

WIPO



CDIP/1/4

ORIGINAL: English

DATE: July 7, 2008

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

**First Session
Geneva, March 3 to 7, 2008**

REPORT

adopted by the Meeting

1. The WIPO General Assembly, in its session held in September-October 2007, adopted the recommendations made by the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA). One of the decisions was to establish a Committee on Development and Intellectual Property to:

- develop a work-program for implementation of the adopted recommendations;
- monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies; and
- discuss intellectual property and development related issues as agreed by the Committee, as well as those decided by the General Assembly.

2. It was decided that the Committee will be composed of the Member States of WIPO and open to the participation of all accredited intergovernmental and non-governmental organizations. It was also decided that the Committee will have two five-day sessions annually, with the first one convened in the first half of 2008. As done during the sessions of the PCDA in 2006 and 2007, WIPO will provide financing for the participation of representatives from developing countries, including LDCs, as well as from countries with

economies in transition, to attend the meetings of the Committee. Further, for the first meeting of the Committee, the present Chair of the PCDA will prepare initial working documents, including a draft work program, in consultation with Member States and the Secretariat. The draft work program should address, *inter alia*, the financial and human resources requirements for inclusion in WIPO's budgetary planning process. The Committee will report and may make recommendations annually to the General Assembly. The first session of the CDIP was held from March 3 to 7, 2008.

3. The following States were represented: Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Haiti, Holy See, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malaysia, Mexico, Moldova, Montenegro, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Oman, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Serbia, Singapore, Slovenia, South Africa, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United States of America, United Kingdom, Uruguay, Venezuela, Yemen and Zimbabwe (99). Palestine was represented in an observer capacity (1).

4. The following intergovernmental organizations (IGOs) took part as observers: African Union (AU), Eurasian Patent Organization (EAPO), European Commission (EC), European Patent Office (EPO), South Centre, United Nations (UN) and World Trade Organization (WTO) (7).

5. Representatives of the following international non-governmental organizations (NGOs) took part as observers: 3-D > Trade - Human Rights - Equitable Economy (3D), Actors, Interpreting Artists Committee (CSAI), *Association romande de propriété intellectuelle (AROPI)*, Business Software Alliance (BSA), Centre for International Environment Law (CIEL), Centre for International Industrial Property Studies (CEIPI), Chamber of Commerce of the United States of America (CCUSA), Consumers International (CI), Electronic Frontier Foundation (EFF), Electronic Information for Libraries (eIFL), European Law Students's Association (ELSA International), Ibero-Latin-American Federation of Performers (FILAIE), Intellectual Property Left (IPLeft), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Association for the Protection of Intellectual Property (AIPPI), International Center for Trade and Sustainable Development (ICTSD), International Chamber of Commerce (ICC), International Federation of Film Producers Associations (FIAPF), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Federation of the Phonographic Industry (IFPI), International Intellectual Property Institute (IPI), International Literary and Artistic Association (ALAI), International Publishers Association (IPA), International Trademark Association (INTA), International Video Federation (IVF), Knowledge Ecology International (KEI), Latin American Association of Pharmaceutical Industries (ALIFAR), Library Copyright Alliance (LCA), *Médecins sans frontières (MSF)* and Third World Network (TWN) (30).

6. The list of participants is attached to this report.

Agenda Item 1: Opening of the Meeting

7. The session was opened by Mr. Sherif Saadallah, Executive Director, WIPO, who welcomed the participants on behalf of the Director General of WIPO, Dr. Kamil Idris and proceeded to seek nominations for the positions of Chair and Vice-Chair.

Agenda Item 2: Election of Officers

8. The Meeting unanimously elected Ambassador C. Trevor Clarke, Permanent Representative of Barbados, as Chair. After further consultations (as stated in paragraph 112), Mr. Muratbek Azymbakiev, Deputy Permanent Representative of Kyrgyzstan, and Mr. Javier Alfonso Moreno Ramos, Director of the Department of Legal Coordination and International Relations of the Spanish Patents and Trademarks Office, were elected as Vice-Chairs.

9. The Chair thanked the meeting for entrusting him with the chairmanship of that important Committee and commented that he had enjoyed the full cooperation of all members in the previous year in the PCDA, and that he looked forward to the continuation of that spirit that had brought them to that stage. The Chair expressed satisfaction with the progress made by them and said that Member States had great expectations from them. The Chair said that they were now at the stage of developing a work program for the implementation of the adopted recommendations, and added that their objective for that week was to adopt the rules of procedure and to begin consideration of the work program for the implementation of the adopted recommendations. The Chair added that it was not expected that they could finish that work in that week, but hoped that they would make good progress towards completion in July.

Agenda Item 3: Adoption of the Agenda

10. The Chair proposed the draft agenda (document CDIP/1/1 Prov.) and said that since most of that week would focus on a large number of issues to be considered under item 5, it was proposed that a Summary by the Chair be adopted at the end of the session, instead of a draft report. The Chair said should that be accepted, as it had been done in the past, the draft Summary by the Chair would be submitted to delegations on Friday, March 7, and adopted thereafter. The draft report, to be prepared by the Secretariat, would contain all the interventions made during that session as well as the Chair's Summary. That draft report, would be communicated to the Permanent Missions of the Member States and would also be made available to Member States, IGOs and NGOs in electronic form and placed on WIPO's website. Subsequently, as usual, comments on the draft report should be communicated in writing within three weeks of its issuance. The revised draft report, would then be considered for adoption at the beginning of the next session of the CDIP, in July 2008. As there were no comments, the Agenda was adopted.

Agenda Item 4: Adoption of the Rules of Procedure of the CDIP (see document CDIP/1/2)

11. The Chair drew attention to the document, entitled "Procedural and Organizational Matters", and added that in two of their informal sessions earlier that year, they had had an opportunity to go through some of those issues with the Legal Counsel.

12. The Delegation of Spain sought a clarification whether any NGO could be admitted without the agreement of the Committee.

13. The Secretariat replied that at every meeting of that Committee, Permanent Observers would automatically be invited, but that the Committee would be invited to grant *ad hoc* observer status to other applicants, and therefore no NGO could be given *ad hoc* observer status, without the consent of that Committee.

14. The Delegation of Guinea referred to the wording in Article 1 of the Rules of Procedure of the Committee, and sought clarification on whether its meaning also encompassed all rules provided for in WIPO procedures. If such were the case, the Delegation would suggest that the wording be made clearer so as to demonstrate that it refers to “all rules” and not just to those attributable to the Committee.

15. The Secretariat responded that the Rules of Procedure specified in Rule 1 would refer to the General Rules of Procedure of WIPO, the General Rules that were contained in that book, and also those General Rules that were supplemented, as stated there by the two additional rules. The CDIP would be considered as one of the bodies specified within those General Rules.

16. The Delegation of Canada suggested that for reasons of consistency, in the Annex, in Rule 1, the reference to general rules of procedure of WIPO, should be put in quotations, as it was done on page 3 of CDIP/1/2 in paragraph 4.

17. The Chair said that as there were no further requests for the floor, the Committee adopted the Rules of Procedure as proposed in paragraph 4, and that the Committee agreed to the method of representation of *ad hoc* observers referred to in paragraph 6 and that the Committee understood in that sense, the working arrangements as described in paragraphs 7, 8 and 9.

Agenda Item 5: Consideration of Work Program for Implementation of Adopted Proposals

18. The Chair reminded the participants about the decision of the WIPO General Assembly which was quoted as follows: “for the first meeting of the Committee, the present Chair of the PCDA will prepare initial working documents including a draft work program in consultation with Member States and the Secretariat. The draft work program should address, *inter alia*, the financial and human resources requirements for inclusion in WIPO’s budgetary planning process.” Accordingly, the Chair had held three meetings with the Regional Coordinators plus a few additional Members, and four or five meetings with the Secretariat to prepare the initial working documents for the CDIP. Those working documents had been made available outside the room that morning. The Chair said that one document provided information on some of the activities which had been implemented or were planned, in respect of the 19 adopted proposals. The Chair added that the other document contained a list of activities proposed to be taken up by WIPO to implement the remaining 26 adopted proposals. The information provided related to the nature of the activity, its objectives, geographical focus and partners, where applicable. The Chair emphasized that at that stage a detailed assessment had not been made in respect of additional requirements of human and financial resources to implement those activities. Such aspects would be completed by July 2008, for the second session of the CDIP. The Chair said some Member States had submitted suggestions on the activities for the implementation of the WIPO Development Agenda,

which were also available that morning. The Member States were already in possession of those documents, as some of them had been circulated a few days before through their regional coordinators. The Chair then discussed the methodology for discussions. He proposed that they shift the meeting into an informal mode when they begin to discuss the activities as that would facilitate a free exchange of views. The Chair also proposed that they use his initial working document as the basis for discussions, as it was always advisable to have one document for consideration rather than having to work with three, four, five, or six different documents. That proposal, however, did not exclude inputs, whether written or verbal, that would be used to amend the initial working document. The Chair said unless there was a major road block that would require separate consultations, his preference would be that they dealt with matters in that forum where everyone was open to participate or at least to hear how they were progressing. The Chair proposed that they address the 26 items rather than the 19, so as to give the Secretariat the maximum amount of time, to consider the human and financial resource implications.

19. The Delegation of France sought two clarifications on the method of working. Firstly, it wanted additional information concerning their work in informal mode. The Delegation wanted to have more clarification as regards to the discussions to be held and the documents that might be submitted to them in the course of those proceedings. Secondly, it wanted more explanation on the suggestion to first discuss the 26 proposals and then to take up the list of 19.

20. The Chair replied that firstly, the informal mode was intended to allow a free exchange on the issues. The Chair added that sometime, the nature of discussions during processes that were intended to reach a consensus, were divided between the process and the decisions, and what was mostly important for them in that work was the decisions that they arrived at rather than the process and the interactions that led to the decisions. The Chair said that the Secretariat reporting of the formal meeting was a lot more detailed and if the delegations wanted that, they would remain in formal mode. If they could relax the requirements for recording and reporting on the discussions on the activities, it would be more efficient in getting to a decision on how the proposals were going to be implemented. But the Chair reminded the delegations that it would result in the statements not being recorded if they were in informal mode. Regarding the proposals, the Chair believed that they should give priority to the list of 26 because that required more work by the Secretariat in assessing the human and financial implications in implementing those 26. The discussion on the list of 19 would be like discussing a progress report. The Chair pointed out that the sooner they agreed on the 26, the sooner the Secretariat would be able to address the human and financial resource implications.

21. The Delegation of France thanked the Chair for providing that information and wanted to get a better insight and understanding on the kind of decision they are required to take at that session, and the decisions to be taken at the second session in July. The Delegation also wanted to know about how it was going to work, and if an official document would be submitted to that Committee. The Delegation enquired as to whether its Delegation could send the official documents to its capital, the ones on which it would take a stand, and also the results of discussions in the different groups and how they expressed themselves in accordance with the accepted procedure of that Organization. It wanted to know how it was going to make progress and what would be the basis for such progress. It further asked if the Chair intended to formalize the Secretariat thinking in a certain way on its contributions, and

how it was going to implement the proposals that had been submitted, and wanted to know if the Chair intended to guide it as regards the results it wished to achieve.

22. The Chair thanked the Delegation of France and suggested that the documents containing the information relating to the list of 26 proposals and 19 proposals be the initial working document. He hoped that cleared one aspect of the concerns of the Delegation of France. On the question of formal and informal sessions, the Chair was willing to hear some other views and called upon the Delegation of France to recall that the previous year when they worked in the PCDA, a lot of their work was done in informal mode, in small group meetings upstairs, but the final decisions were made in formal meetings in that room. The Chair suggested that they could move into informal mode in that room and try to accelerate progress on some of the issues, where they had difficulties, in small groups meetings.

23. On behalf of the "Group of Friends of Development", the Delegation of Argentina pointed out that it was interested in working on the implementation of the 45 proposals agreed upon. It further said it could be flexible regarding starting with the 26 agreed proposals, but as a group, it also wanted to make suggestions on the 19 to be implemented immediately.

24. The Chair said that in a sense there was no difference between 19 and 26, as long as 19 plus 26 equals 45, they were satisfied. There was, however, a difference, in that, those 19 had been put for immediate implementation, because they did not require any additional financial or human resources. However, he had not said anything to suggest that the 19 were forgotten. There were two issues, first that since the Secretariat would require time to consider what the delegations had agreed on as activities for the 26, in order to address the human and financial resource implications, they should work on those first; and secondly the 19 were more of a status report on the implementation that they had requested. He said that separation of 19 and 26 was, in a sense, artificial, but there was a reality that they had agreed to that separation. The Chair said that it was repeatedly stressed that the 26 did not take any higher priority than 19, and indeed the General Assembly report also confirmed that contention.

25. The Delegation of the United States of America agreed with the approach of the Chair and appreciated that they were working within the mandate of the General Assembly to accelerate the process of implementation. The Delegation raised a question about comments pertaining to the list of 19, as it understood that those were identified for immediate implementation. The Delegation said that as the Delegation of Argentina had noted, it might be useful for the Secretariat to hear the comments of the Member States, rather than wait until July, particularly if those proposals were really being implemented. The Delegation also requested the Chair to give them more details on when and how they would proceed with consideration of the proposals.

26. The Chair replied by saying that he intended to discuss the proposals one by one, but he was open to any other suggestion that Members could accept and that would be efficient. The plan to have the proposals discussed individually would also be convenient for the Secretariat which can then ensure that the staff members concerned were available for the discussions. As regards the other question raised by the Delegation of Argentina concerning comments on the 19 proposals, the Chair said that time would be reserved for that at a later stage. However, he did not intend to wait until the July session of the Committee, even though he would have preferred to make progress on the 26 proposals first. Nevertheless, there would be time to have a broad look at the 19 proposals.

27. The Delegation of Brazil acknowledged the extensive work that had been done by the Secretariat for the meeting, reflected in the documents that were prepared in the form of a matrix with comments on all 45 recommendations, most of which were preliminary in nature. As regards the issue raised by the Delegation of Argentina, concerning the analysis of the 19 proposals rather than of the 26, he noted that that was a very important point for the Delegation. The Committee, it said, would need to be flexible to work under different approaches, and, if necessary, to sub-divide activities into smaller groups or clusters to facilitate the work, but not to the extent where it would start to prejudge the decision or to change the nature of the decision that had been adopted by the General Assembly. It emphasized that, even if the General Assembly decision had adopted a list of 19 proposals for immediate implementation, it did not mean that the implementation or aspects of it would not be discussed in the Committee. The decision in question also determined that the Committee should develop a work program for the implementation of the adopted recommendations, meaning all 45 proposals. Therefore, the work program addressed all 45 recommendations. Additionally, the agenda the Committee had just adopted contained, under item 5, "Consideration of Work Program for Implementation of Adopted Proposals." Because the work program encompassed all 45 recommendations, as Members had seen from the decision, the Committee could discuss not only the 26 proposals but also the 19 proposals. An additional important point was that the 19 proposals were relevant for the 26 ones. There was a connection between the two sets of recommendations. The Delegation said that it could understand that, although the Secretariat believed that the 26 recommendations might require specific arrangements regarding budget and human resources, in contrast with the other 19 proposals, there might be a small operational difference among the two sets, but there was no substantive difference between the two sets of recommendations. Among the 19 recommendations, there were a number in the nature of general principles, objectives or guidelines, which the Delegation would like to refer to, as a framework for the activities that were described in the list of 26 proposals. Thus, the cross-reference needed to be done. The Delegation felt that the 19 recommendations affected all WIPO activities, including the activities which might be established for the 26 recommendations, and therefore such cross-referencing was an essential element for all the interventions which Brazil would be making on the 26 recommendations.

28. The Chair clarified that if the Committee agreed to start addressing the 26 recommendations, the 19 could be addressed later in that week, if necessary. However, he had no difficulty if Members started addressing the 19 recommendations. He had no difficulty either if the Committee spent the whole week on the 19 recommendations, but he did not wish to move to the Second Session and have 26 recommendations left. Therefore, Members had to decide on what was the most efficient way to do the work. The Chair had proposed that the Committee dealt with the 26 first, but if there was a preference with dealing with the 19 recommendations, he had no problem either. The problem would be magnified if Members attempted to address all 45 recommendations at once. He thought that Members had to deal with one adopted proposal at a time and if there was a cross-reference to other proposals, there would be no problem in doing it. The focus, however, should be on trying to reach an agreement on one proposal, for example, proposal number 2, and then move to the next proposal, number 4. If in discussing the activities connected with proposal number 2, Members wished to address issues contained in proposals 20 and 45, they could do that. Cross-referencing was fine, but the Committee had to agree that it was focusing on addressing one activity at a time, otherwise, it would be extremely difficult for the Committee to know how far it had progressed and it would be even more difficult for it to conclude the assessment

of those activities by the end of the July meeting. As to the suggestion of working in smaller groups, the Chair was willing to entertain that, but he would like first to hear some more views on how this would be done.

29. The Secretariat drew Members' attention to document CDIP/1/2, on procedural and organizational matters. It had been brought to its attention that the French, Spanish and other language versions of that document might not be quite the same as the English text. In the Annex, Rule 1 read, correctly, that the Rules of Procedure "shall consist of the General Rules of Procedure of WIPO." However, the corresponding French version read that "*le règlement intérieur [...] est fondé sur [...].*", which had a different meaning. It said that the words "*est fondé*" would be replaced by "*est constitué par.*" The other versions would also be verified so as to be consistent with the English version.

30. The Delegation of India said that it had been the spirit of accommodation which enabled Members to tackle a difficult negotiation process in arriving at the recommendations. It thought it was equally challenging to rise to the occasion as Members had in the past to ensure that they succeeded with the implementation phase. In that phase, Members were grappling with two issues. One issue was to decide which set of recommendations should come first. The other issue was whether discussions should be formal or informal. The Delegation wished that the Chair explore the different possibilities which permitted the Committee to take the entire membership along, so that those decisions do not use up Members' energy, and lead to more constructive and cooperative efforts in the most fruitful and meaningful manner. The Delegation felt that if the Committee could take a Cluster-by-Cluster approach, so that simultaneous consideration could be given to proposals in both the lists, that would be one way of tackling the issues in a cluster mode and yet Members would be discussing the same issue by considering proposals from both lists. Nevertheless, it would leave that matter to the Chair's good sense as well to the Committee's so that an optimal modality was reached. The Delegation wished to hear from the Committee on another philosophical question, and that was that it considered development as a process much beyond the compass of the 45 proposals that the Members had agreed to implement. Those 45 proposals reflected a major component, and yet not the entirety of the development aspirations of Member States. The challenge for the Committee, in its view, was to mainstream the development dimension, as well as to interact, coordinate and synergize efforts of the other committees within WIPO.

31. The Delegation of the Republic of Korea said that regarding the method of work and discussion, the Committee should go with the item by item process. However, it seemed that most of the delegations did not fully understand the plan. The Delegation, therefore, requested the Secretariat to give a brief explanation on each implementation plan, including what was the thrust of each plan, what was the intended effect of the plan and how to evaluate it. It suggested that perhaps for the next July meeting, the Secretariat might change the way of presenting the implementation plan by placing it under three headings: the description, the intended effect and the evaluation. Also regarding the separate suggestions made by two regional groups and the Republic of Korea, it asked the Chair for a chance to resubmit its suggestion, because it had been recently submitted and maybe most of the delegations had not had the time to look at it.

32. The Delegation of Chile, speaking on behalf of the country, said that it would like the 19 recommendations to be discussed at some point. It agreed that the Committee could devote a part of that session to those 19 proposals, perhaps one day. Firstly, the Delegation

did not wish to leave the matter of the 19 proposals for the July session, but would rather prefer to look at some of those proposals in that session. It recalled that the General Assembly had decided that no priority should be given to any of the two sets of recommendations. Secondly, it did not believe that the 19 proposals should only be left to the Secretariat. Although the documents concerning those recommendations were very useful, several delegations would like to make proposals on their implementation. The Secretariat would have suggested activities under those 19 proposals, because only some of them were declarations of principle, others were operative. For example, it suggested that for the July session, the Secretariat could prepare recommendations on proposal 20, as it had done in the document with the 26 proposals, which were very good. However, it would also like to discuss those 19 proposals, at least for one day during that session, and perhaps come back to them in the next session and request to update the documents in the light of the comments that would have been made during that session.

33. The Delegation of Mexico believed that the Committee could use the combined approach indicated by the Delegation of India, which was to take the 45 proposals, cluster by cluster. That approach would ensure that the outcome of the negotiations were balanced and all 45 proposals had equal weight. In other words, there were no proposals that were more important than others. The only difference was that for the 19 proposals, activities had already started according to the report made by the Secretariat. As far as the other 26 recommendations were concerned, the Committee needed to look at them because they had some implications which required further work. Therefore, one solution would be to start the work with the 26 proposals, and the only way to do that without discriminating between proposals was to take them up by cluster. If Members examined the recommendations by cluster, they could move quickly to proposals in respect of which there had been implementing activities in accordance with the mandate from the General Assembly in the previous year. Some work had already been done in that regard and it would only be a question of informing Members about what the Secretariat had done, as well as identifying proposals for which further resources were needed. Members could then look at them, one by one. The Delegation emphasized the need to find whether it was practical to start with the 19 proposals or the 26 ones. In its view, the Committee should take proposal one, analyze it and decide what should be done about it. Then it would move to proposal two, and then to three, and so on. Going through the proposals by cluster would allow the Committee to go through them quickly. The Delegation suggested that the overall work of the Committee should start with the 26 proposals.

34. The Delegation of Romania, speaking on behalf of the group of Central European and Baltic States said that it believed that any beginning brought with it specific challenges on the one side and new expectations on the other. The Delegation hoped that Members would find the right means to address challenges, so that they could fulfill their expectations, as far as possible. In that respect, it was important for the success of the CDIP to have the whole membership sharing the same understanding of the role and mandate of the Committee. Those two concepts represented the basis and guiding principles of the Committee's work, and therefore, they would require constant attention. It was also of the view that the fundamental goal to be achieved by inaugurating the CDIP was to strengthen the development dimension of WIPO, by addressing the link between intellectual property and development in a more complex fashion, while strongly supporting the preservation of the specific role and mission of the Organization, as a specialized agency in the IP field. On the other hand, it would be up to each Member State to decide what activities would best satisfy its interests. Turning to the process Members had recently been through, the Delegation said it would like

to express its thanks for the Chair's endeavors to reach concrete results during the informal consultations carried out in accordance with the last General Assembly decision. The Delegation was pleased that Members had been able to conduct a thorough discussion on the draft Rules of Procedure on that occasion. In relation to the work program of the Committee, the Delegation thought that agreeing on activities for the implementation of the 26 recommendations should be the first substantive task of the Committee. The group had submitted to the Chair its suggestions concerning activities that could be undertaken under the umbrella of different recommendations, and it was looking forward to discussing the working documents that the Chair had proposed. In its national capacity, it said that the Delegation agreed with the Chair's proposal to start with the 26 recommendations, but if so wished by other Member States, it was flexible for starting the debate with the 19 proposals.

35. The Delegation of Guinea said that many activities had been foreseen for the program, and therefore it would be good if the Committee organized discussions during that week. It thought that the Committee could consider, in the first stage, the 19 proposals and then move on to the set of 26 proposals. In its view, this was just a procedural issue. If delegations had received the documents well in advance of the meeting, things would have been easier. But since that was not the case, it wished to repeat its proposal that the Committee needed to review the 19 proposals and then move to the other 26.

36. The Delegation of Tunisia thought that the Chair's suggestion to take up the 26 recommendations as a matter of priority was wise and valid and that of course did not prevent Members from considering the 19 others later. It thanked the delegations which had made comments on the 19 recommendations, and yet the fact that those comments had been made did not prevent the Committee from considering the 26 proposals. The Delegation supported the suggestion made by the Delegation of India, with the support of Mexico, to go cluster by cluster.

37. The Chair said that the Delegation of Tunisia had ended with a note that constituted the decision to be taken. Therefore, work would proceed on a cluster-by-cluster basis. He would prefer that Members focused on the 26 recommendations, but since the Committee would go cluster by cluster, that would allow the interaction between the set of 19 recommendations, and the set of 26, without the need for distinguishing between the two groups of proposals. The objective of the exercise would be to ensure that the Committee got a good grasp of the proposals that were related to the set of 26 recommendations, so that the Secretariat could accelerate its work on that critical area of financial and human resources. Work would start with the Technical Assistance and Capacity Building Cluster. Comments could refer to the set of 19 or the set of 26 but Members should address or give the focus to the set of 26, where key decisions had to be made urgently. Decisions in respect of the set of 19 recommendations had also to be made, but he was very conscious on giving the Secretariat maximum time to deal with the financial and human resource implications, so that the Committee could report to the General Assembly on those matters. In conclusion, the decision was to go cluster by cluster and pay focus on the set of 26 recommendations and cross reference the set of 19. The Chair thanked the Delegation of India, in particular, for that suggestion and the support that came thereafter. The Chair said that a number of Ambassadors were present who would like to deliver their opening statements. Thus, with Delegations' agreement, he would open the floor for opening statements, which would start as usual with the Regional Coordinator and then go to individual Member States and IGOs and NGOs.

38. The Delegation of Algeria, speaking on behalf of the African Group, said that the Group would like to reiterate the importance it attached to the development agenda and its determination to contribute in a constructive and positive manner to the deliberations of that session, which would be marked by the creation of the CDIP. It hoped that the discussions would be influenced by the spirit of cooperation in order to come to consensus, not only on the issues discussed, but to a constructive partnership in the concretization of the recommendations adopted. The African Group was pleased with the positive results achieved on the development agenda and believed that the implementation phase of the recommendations was as important, if not more, than the negotiation process itself. That success had been the fruit of the spirit of cooperation and responsibility which had prevailed throughout the process of negotiation and which the Group hoped would be strengthened in order to allow for the rapid implementation of all recommendations. That implementation should serve to improve institutional capacities and strengthen scientific and technical infrastructure in developing countries. The preparation of an action-plan of development, that was solid and efficient, would allow the promotion of an international intellectual property system, which would be balanced and which would take account of the needs of the developing countries. That system should take into consideration all interests of developed as well as developing countries, in particular the least developed countries. Such a system would promote technology transfer and the stimulation of innovation and could serve as a catalyst for the process of growth in the countries concerned. That was why, in view of the multiple implications of intellectual property and in the framework of the implementation of the recommendations of the Development agenda, the African Group would ask, first of all, that its Member States benefit from assistance in terms of preparing intellectual property strategies, which would be along the same lines as national development plans. Those strategies should cover all aspects of development, in other words, the strengthening and modernization of intellectual property institutions, the training and creation of synergies among the different public and private institutions, as well as among national intellectual property institutions, universities and research centers. Secondly, with regard to assistance in the area of legislation, while expressing satisfaction for the assistance supplied by WIPO in the form of its cooperation with the WTO, the Delegation asked that African countries be able to benefit fully from WIPO's expertise in order to help them in the review of the intellectual property laws, integrate the possibilities of using flexibilities or exceptions provided for in the TRIPS Agreement. Developing countries should benefit from the same flexibility which helped developed countries while they were still in a phase of development. The Delegation said that the IP system should encompass national policies, in order to make up for legal gaps in anticompetitive trade practices. Thirdly, the African Group would like to ask for assistance for better use of tools, in particular, in Trademarks, Geographical Indications, and Artistic and Cultural Expressions for the promotion of local products for export. Finally, the African Group would propose that the following actions be taken in the area of innovation and technology transfer: (i) to provide support to research and development centers for the protection and marketing of research results; (ii) to contribute to capacity building in African countries in terms of information technologies so that research centers and SMEs have access to databases in terms of patents and technological information; (iii) to encourage and facilitate partnerships between universities and research centers with regard to the use of information contained in databases, particularly with regard to agriculture, biotechnology and biodiversity, as well as traditional medicine. In order for all those proposals to be realized, the African Group would ask for resources to be increased. The Group would, therefore, launch an appeal for financial and human resources to be increased, in order to facilitate the implementation of the other recommendations in view of the needs, especially in the African region. Furthermore, the role currently played by the Secretariat to plan or design activities

with regard to the implementation of the development agenda, deserved all the Group's esteem and consideration. With regard to that primary role, the group underscored the need to strengthen the Secretariat's structure and provide it with the human and financial resources that were necessary for it to carry out its work.

39. Speaking on behalf of the Asian Group, the Delegation of Singapore said that the importance of the development agenda was clear from the intense negotiations that Member States had had during the previous four years and the 45 recommendations in 6 clusters that had been finally agreed upon by consensus. The establishment of the CDIP thus offered Members a significant opportunity to integrate existing and new development dimensions to all areas of WIPO's work and activities. It said that the task of the Committee was comprehensive, covering the development of a work program for the implementation of the adopted recommendations, as well as monitoring, assessing, discussing and reporting of those recommendations and discussing intellectual property and development-related issues decided by the WIPO General Assembly. The Delegation welcomed the proposals that had been submitted. As a group of developing countries, the Asian Group expressed its interest in the success of the CDIP. It was happy to have contributed to the process that had led to that creation, through the informal meetings which were held in India and Singapore in 2007. If the CDIP functioned as intended, Members would be able to make important strides in the development agenda. To that end, the Asian Group would like to reiterate its commitment to working with the Chair and the rest of the Member States, in setting down the proper foundation and road map for the Committee in its inaugural session.

40. The Delegation of the United States of America, on behalf of Group B, thanked the Secretariat for its hard work in preparing the documents presented for that meeting. The Delegation continued to acknowledge that development was one of the most important challenges facing the international community today. Continuing efforts to develop a balanced and effective international intellectual property system could bring important and meaningful benefits for all. It welcomed the establishment of the Committee on Development and Intellectual Property to monitor, assess, discuss and report on the implementation of the set of the 45 proposals adopted in the General Assembly in 2007. Group B looked forward to participating cooperatively and constructively in the process of implementing the development agenda and would actively collaborate to help achieve the Committee's goal of developing a detailed work program for the implementation of the 45 adopted recommendations.

41. The Delegation of China said that it was happy to see that, after the sessions of the IIM and the PCDA, Members had been able to achieve substantial progress on the question of the development agenda. Not only had a permanent body been established within WIPO to deal with development issues, but also the discussion on the development agenda had entered into the implementation phase. The Delegation said that it would like to take this opportunity to express the hope that the establishment of the Committee would really promote the effective implementation of the agreed proposals. Throughout the past meetings on the development agenda, the Delegation had witnessed the openness and cooperation displayed by Member States during the discussions and noted the pertinent views expressed by all sides on the relationship between development and the IPRs system, which had allowed those sessions to proceed in depth. Needless to say, development was the greatest problem facing numerous developing countries. It was also an important issue causing general concern to the international community. It was a practical issue for which the UN agencies must endeavor to find solutions. Only by promoting development, respecting creation and stimulating the

innovative forces of the entire society could harmonious development in the world be realized. As one of the important means to promote development, the IPR system, through encouraging and protecting inventions and technical innovations, had liberated the creativity of the people and provided endless motivating forces for the development of countries and societies. The role played by the IPR system in promoting social progress and human development could not be denied. Powered by the new scientific and technological revolutions, the effect of knowledge on social and economic development had become even more important. The growth of national wealth and improvement in human life relied more and more on the accumulation and innovation of knowledge. At the same time, taking full account of the difference in levels of development among its Members, searching for balanced approaches that took into account the interest of all sides and ensuring the comprehensive realization of the development goal and providing adequate policy space for the development needs of the developing countries, were the crucial questions to be taken seriously by WIPO and that Committee. The Delegation believed that during the evolution and development of international rules on IPR, one should not ignore the various conditions and levels of development of countries. The degree of IPR protection should be consistent with the country's level of economic development. It also believed that the protection of interests of the right holders should be in balance with the safeguard of the public interest and that the encouragement and protection of technical innovations should in unison with the promotion of technological transfers. As a developing country, China attached great importance to the issue of development and had acquired in recent years some useful experience in the area of IPR, benefiting its social and economic development. Owing to differences in national conditions and realities, the Committee should endeavor to guarantee more policy spaces for the developing countries in the area of IP rights. WIPO, being a specialized agency in charge of IPR matters, was bound to provide effective platforms for the exploration of development models suitable for the actual concerns of Member countries, so as to be sure that developing countries truly benefited from the IPR system and contributed to a harmonious world. The Delegation was happy to see the efforts and the cooperative and inclusive attitude of Member States during the previous sessions on the development agenda. It hoped that the Members on all sides would continue with that spirit of inclusiveness and cooperation during that session, and make joint efforts by seeking common parameters and arrive at a consensus on Cluster A that were acceptable to all, which would create a positive momentum for the implementation of the agreed proposals and bring real benefits to Members. The Delegation was committed, as always, to adopt a constructive attitude and to actively take part in the discussions on the development agenda.

42. The Delegation of Argentina, taking the floor on behalf of the Delegations of Argentina, Bolivia, Brazil, Cuba, Dominican Republic, Ecuador, Egypt, Iran, Kenya, Peru, South Africa, Tanzania, Uruguay, Venezuela and Sierra Leone, expressed the view that the success in creating the Committee was a result of the constructive spirit and responsibility shown by all delegations and hoped that the same spirit would pervade in the future work of the CDIP. The Delegation indicated that it was pleased with the fact that the 2007 General Assemblies had approved by consensus the recommendations covered in all six areas of the development agenda. The Delegation joined the African Group in the view that the implementation stage of the recommendations was as important as the negotiating process, which had led to their adoption. The Delegation indicated that without doubt they had a great challenge ahead of them and that the next step forward for the Committee would be to prepare a detailed work program, in order to fully implement the agreed recommendations. The Delegation looked forward to doing the substantive work regarding the 45 recommendations during the meeting of the Committee, and expressed a wish for the development agenda to be mainstreamed into

the entire organization. The Delegation emphasized the commitment of the “Friends of Development” to be engaged in a constructive dialogue that would result in enhancing understanding and reducing differences in key issues in the Committee meeting. The Delegation added that they had contributed a non-paper with suggested activities to implement the recommendations, and expressed the concern that the spectrum covered by the recommendations was too wide to be covered by the two formal meetings of the Committee scheduled for 2008. In that respect, the Delegation stated that they were convinced that, in order to accelerate the process of the implementation of the 45 recommendations, the work could continue between sessions in a different form, such as, for example, informal consultations, seminars, etc., and indicated its willingness to discuss suggestions on that issue. The Delegation also said that it was essential that the different WIPO Committees be instructed to acknowledge the development agenda principles in norm-setting and the other clusters that were relevant to the work of each committee. The Delegation expected that the necessary financial and human resources would be available for the successful implementation of the WIPO Development Agenda, and that the adoption of the Program and Budget for 2008 - 2009 was an important step to consolidate funds for the development agenda. The Delegation highlighted that the integration of the development dimension within WIPO was a high priority for the “Friends of Development”, and with that, WIPO would enhance its contributions to international development goals, as a specialized agency of the United Nations system. Finally, the Delegation hoped that the implementation of the recommendations would help achieve the aforementioned purpose.

43. The Delegation of Chile, representing GRULAC, welcomed the decision of the 2007 General Assemblies to establish the CDIP to further integrate the development dimension in the work of WIPO. The Delegation expressed its commitment to the process and its desire to contribute in a constructive manner to the success of the discussions.

44. The Delegation of Slovenia, speaking on behalf of the European Community and its 27 member States, expressed its satisfaction for the creation of the CDIP and mentioned that without the Chair’s dedicated work and effective leadership, the Committee would not have been possible. The Delegation said that the European Community and its member states would also like to recognize the dedicated work of the WIPO Secretariat in facilitating the successful process leading up to the creation of the Committee and for their hard work in preparing the documentation throughout the course of the process. The Delegation stated that development, in relation to Intellectual Property, was one of the most important challenges at the present time and welcomed the serious commitment of WIPO to enhance its promotion. The Delegation pointed out that the CDIP was a major milestone in the expression of the aforementioned commitment and that it would allow Member States to define appropriate and tangible action. The Delegation indicated that their intention, and pleasure, was to go forward with the work of the Committee with an open mind and a constructive spirit. The Delegation recalled that important work had been done through the PCDA sessions and that finally they could focus on implementing the adopted proposals. The Delegation expressed its conviction that the cooperative spirit, which made for a successful outcome of the PCDA and the adoption of the development agenda possible, would continue to guide their work in the Committee and in WIPO in general. The Delegation mentioned that the European Community and its Member States would listen very carefully to the views of all groups and individual delegations with the hope of working in unison to identify a common ground where consensus could be reached.

45. The Delegation of Thailand associated itself with the statement made by the Delegation of Singapore on behalf of the ASEAN Group, and made the following points: Firstly, the Delegation indicated that they were beginning the implementation phase of the agreed proposals, which in itself was a landmark achievement and a crucial step for them, as it was the culmination of four years of hard work carried out by every delegation present in the room. In that context, the Delegation urged everyone to seize the opportunity and ensure that the process would move them closer to a more equitable and fair IP system. Secondly, the Delegation stated that in discussing IP and development, it would always be necessary to bear in mind that there were two sides to the same coin: on one side, the important issue of providing adequate IP protection, and on the other, the development and public policy objectives. The Delegation stated that it firmly believed that IP should not merely be viewed as a tool for protection of innovative ideas, but should be a tool for development and for creating a level playing field for all nations. Thirdly, the Delegation pointed out that what they would make from the CDIP would depend as much on their efforts in Geneva, as on their work back in their capitals, and that therefore it was up to all the delegations to make the process work. The Delegation stressed its belief that the process to undertake assessments would form a key part of their national integrated IP and development strategy, and added that as those assessments would be of great benefit to developing countries, developed partners were called to provide a helping hand along the way. Fourthly, the Delegation commended the Secretariat for its hard work in consolidating the documents, outlining the activities undertaken for the 19 proposals as well as the proposed activities on the remaining 26 proposals. The Delegation indicated that the document was a good basis for them to come up with a detailed work program and to mainstream the activities into the different bodies of WIPO. The Delegation supported all the agreed proposals and mentioned that a few specific ones were of key interest to them such as, for example, the proposals related to Access to Knowledge and Technology and its dissemination to developing countries. The Delegation expressed its interest in accelerating the process on the protection of genetic resources, traditional knowledge and folklore as well as the issue of TRIPS flexibilities and noted with satisfaction and appreciation that the Secretariat had responded quickly and effectively to some of Thailand's needs through its technical assistance programs. The Delegation mentioned that the capacity-building efforts were essential to improve public awareness and strengthen their national IP infrastructure. Nonetheless, it said that the development agenda was beyond all the specific projects, and should involve a concerted effort to bring together all stakeholders concerned in the implementation phase. The Delegation highlighted that IP had become a cross-cutting issue, which was being discussed in many different international fora, including WIPO, WTO, WHO and UNCTAD, and they recognized that WIPO needed to take the leadership role on that issue. The Delegation stressed that WIPO could not accomplish the task alone and that therefore it was essential to pay close attention to the proposals that required intensified cooperation between WIPO and other relevant agencies in order to create policy coherence. The Delegation expressed the view that the issues discussed at the CDIP required global partnership, and that both developing and developed countries needed to work together to foster trust, mutual understanding and cooperation among themselves to achieve their common objectives on making the best use of the IP system for the genuine benefit of their people. The Delegation appreciated the fact that WIPO Member States had managed to achieve a successful consensus on the development agenda, and hoped that the CDIP would be able to maintain the same spirit and momentum in making the next leap forward.

46. The Delegation of Egypt stated that the new Committee represented their success in having a fair system for intellectual property, as it would allow them to protect intellectual

property rights, as well as to protect the interests of their people. The Delegation said that although they had had lengthy discussions on the development agenda, since the preliminary proposals made in 2004, it believed that they were just at the start of their work. The Delegation highlighted that the significant results achieved previously had enabled them to move to the implementation phase of the WIPO Development Agenda, a significant challenge which required having a constructive attitude in order to achieve the development objectives. The Delegation pointed out that this would be the main criterion of the success of realizing a mission that has been entrusted to them by the General Assembly. The Delegation indicated that they were pleased to make proposals to the “Friends of Development” group with a guide to activities that might be adopted by WIPO so as to implement the development agenda. The Delegation expressed its hope that the proposals, as well as proposals forwarded or advanced by other Members, would form a good basis for their discussions at the first session of the CDIP. The Delegation confirmed their conviction that the implementation of activities proposed by Members would not necessarily mean that the elements of the development agenda were less important. The Delegation stressed the fact that for them it was an ongoing Agenda and it was a source of continuous inspiration that would allow them to implement work plans and other activities that might be developed within the multilateral system for the protection of intellectual property. The Delegation joined the statements made by the African Group and the “Friends of Development” Group and confirmed its determination to continue cooperating with the Chair and the Member States in a constructive manner, so that the Committee would be successful in its efforts. Finally, the Delegation thanked the Secretariat, not only for having organized the work of the Committee, but also for having made an active contribution to the development agenda.

47. The Delegation of South Africa joined the statement made by the Delegation of Algeria on behalf of the African Group, as well as the statement made by the Delegation of Argentina on behalf of the “Friends of Development”. The Delegation pointed out that the development agenda was a cross-cutting process and it was expected to significantly contribute to the reform of the global IP system, with an expectation that the balance in the IP system would emerge over time. Its intervention was premised on the understanding that the WIPO Secretariat was already undertaking some of the activities and programs identified since the inception of the development agenda process, most of them embodied in the 19 recommendations selected for immediate implementation. In this regard, the Delegation indicated the need to reorient and refocus the activities to build synergies with view to maximizing the development impact. The Delegation stated that the technical assistance reform in practical terms would imply that there would be an agreed general framework to guide the design, delivery and evaluation of technical assistance activities and that such a clear framework established by WIPO Member States would provide an important platform against which recipient countries, donor countries and academic researchers would constructively critique and evaluate WIPO’s activities. The Delegation highlighted the fact that enhanced transparency would inevitably lead to accountability, in terms of efficiency and resource adaptation and utilization. The Delegation expressed the view that this framework could help recipient countries better structure their request to WIPO and that in the long run, this would help increase the ownership of recipient countries in the design, delivery and evaluation phases of the programs. The Delegation indicated that it was satisfied that there would be new development-based framework for initiating, conducting and evaluating treaty-making and other norm-setting activities. In that regard, the Delegation added that norm-setting meant that mandatory pre-negotiation procedures would allow, more than before, for an opportunity for a more robust debate to clarify objectives, scope and content of proposed treaties. The Delegation said that while this might imply that it would take longer

before treaty formulation could begin, it would reduce incidences of breakdown in treaty-making processes after many years of discussion. The Delegation stressed that the set of principles in the development agenda were likely to play an important role in increasing transparency of WIPO treaty making and general accountability, leading to the strengthening of WIPO, improving its legitimacy and benefiting all WIPO Member States and other stakeholders. The Delegation mentioned that it was also encouraged by the agreement on the consideration on technology transfer activities and that in that regard WIPO would support its Member States in exploring IP related policies and initiatives necessary to promote transfer of technology as well as measures that developed countries could take to promote technology transfer from these territories. In that regard, the Delegation indicated that the following measures could be expected by developing countries' partners in their efforts to transfer technology to developing countries. For example, developed countries might consider incentives to firms transferring technologies to developing countries of the same type often available in developed countries for firms that transfer technologies to nationally less developed regions and incentives to encourage enterprises to train scientific engineering and management graduates from developing countries so that their knowledge could be used for the development of technology. The Delegation concluded that for them it was also encouraging that, in terms of the new agenda, an evaluation and impact assessment framework for WIPO's activities could emerge and that under that framework, WIPO would be expected to develop an annual review and evaluation mechanism to assess the development orientation of all its program's activities, including technical assistance and capacity building activities. In that context, the Delegation added that the review and evaluation mechanism would contain specific benchmarks and indicators, as applicable and that would contribute to the strengthening of WIPO's activities to perform objective assessments of the impact of the Organization's activities on development.

48. The Delegation of Poland associated itself with the statements made by the Delegations of Slovenia and Romania on behalf of the European Union and the group of Central European and Baltic States respectively. The Delegation pointed out that the creation of the Committee and its first session marked an important step towards the implementation of a development agenda adopted during the 2007 General Assemblies. The Delegation said that Poland was proud to have actively participated the previous year as the Coordinator of the original group when a final consensus had been achieved and stated their intention to continue an active involvement in the work of the Committee. The Delegation declared that it was convinced that the CDIP would make an appreciative input to the work of the Organization, amplifying its existing role as the specialized IP agency. In that context, the Delegation thanked all the people who had led them to its creation and expressed its appreciation for the perseverance of the authors of the original development agenda idea as well as the group of the "Friends of Development" which had been its engine. The Delegation recalled that at the present stage it was vital to make the CDIP a strong forum for cooperation of all Member States so that they all could share equally the ownership of WIPO's Development Agenda. Finally, the Delegation stated that it had important expectations regarding the two sessions of 2008, but that at the same time it was conscious that the challenge facing them was to mark a spirit of cooperation at the beginning of the new body.

49. The Delegation of Switzerland mentioned the difficult task ahead of them to implement the 45 recommendations on intellectual property and development and thanked the Chair and the Secretariat for the work that had already been accomplished. The Delegation indicated that they had two documents before them which contained a large number of proposals for the implementation of the 45 recommendations and that on the first day of the Committee it did

not want to enter into details, but would rather limit itself to some general comments. The Delegation said that as the United Nations specialized agency for intellectual property, WIPO should continue to make a valuable contribution to the protection of intellectual property. The Delegation stated that intellectual property was not an end in itself but a useful means for the cultural, social and economic well-being of individuals and peoples and should be used as a means to strengthen development. However, WIPO's resources were not unlimited and that in the documents that had been furnished by the Secretariat and by the Chair, one essential element was missing, the necessary budget for the activities proposed. The Delegation highlighted that a future plan would imply to specify the tasks for different actors, as well as time frames for their implementation and that in order to carry out that job it would be useful to supplement the documents they had with an annex which would indicate all the activities carried out by WIPO in the area of development for each of the clusters identified. The Delegation mentioned that such a document would allow them to better use the existing mechanisms in WIPO and that had been fruitful in the past before launching into new projects. The Delegation drew the attention to the fact that in view of the projects proposed, they needed to be careful so as not to be over ambitious in wanting to implement all of the programs at the same time and they added that it was indispensable that a future work program should have a successive implementation of activities so as to have specific results in their work. The Delegation declared that they had accomplished a lot of work in the framework of the development agenda but that they had a lot of work before them for the first and the second sessions of the Committee in 2008. The Delegation affirmed that it was willing to commit itself to the work in the same spirit of compromise that had been characteristic of the process so far, as it was sure that the spirit of cooperation would help them to accomplish their tasks. The Delegation concluded its statement by reassuring the Chair that he could count on their support and commitment to actively participate in a constructive spirit to the work of the Committee.

50. The Delegation of Japan welcomed the fact that the discussion on the WIPO Development Agenda had borne fruit with the unanimous adoption of 45 proposals at the 2007 General Assemblies and of the establishment of the CDIP, after years of hard work by the Chair, Member States and the International Bureau. The Delegation mentioned that it sincerely hoped that the adopted proposals would be appropriately implemented in a timely manner and that the achievement would make a positive and constructive effect to the Organization as a whole. The Delegation said that Japan would like to continue to take an active role in various discussions in the newly created body and that they wanted to make some general observations on development issues. In connection with IP and development, the Delegation pointed out that IP was an asset that would give positive opportunities for developing economies to achieve sustainable economic growth. The Delegation indicated that as other countries had achieved economic development through utilizing IP, Japan considered it important for each country, especially developing countries, to create its own IP cycle, which was making innovation, protecting such innovation as an IP right, utilizing such IP rights for profits and then investing for the next innovation. The Delegation expressed its hope that the CDIP would be a good forum to discuss such practical and useful things for economic development, where Member States would share their experiences and views. The Delegation declared that Japan had been accumulating various experiences and discussions within their country to promote the IP cycle for economic growth. In that regard, the Delegation affirmed that Japan could make a constructive contribution to the discussions. The Delegation added that in order to build its own IP cycle and achieve a state of sustainable growth and create a national brand, it was essential to educate and promote quality human resources. In that sense, the Delegation highlighted the fact that Japan had long been devoted

to programs for capacity building and technical assistance contributing annually to WIPO about 2.5 million Swiss Francs, the largest contribution from a WIPO Member State. The Delegation pointed out that under the Fund-in-Trust of Japan, around 3,000 people had received training and support from experts. The Delegation announced that Japan was planning to increase its contributions by an amount of 1.1 million Swiss Francs subject to approval by the national Diet and they expressed the hope that the expanded contribution, in addition to the traditional one, would be effectively utilized through WIPO and for activities to be undertaken by the CDIP. Concerning actions to be taken under the adopted proposals, the Delegation affirmed that it was important for the Committee to take a view on the existing human and financial resources, in order to ensure that it was utilized effectively. Finally, the Delegation thanked the Chair for his efforts to present the proposed program for implementation on the basis of the adopted proposals, and to the Secretariat for its hard work in preparing for the first session.

51. The Delegation of Iran (Islamic Republic of) associated itself with the statements made by the Delegation of Argentina on behalf of the “Group of Friends of Development” and the statement made by the Delegation of Singapore on behalf of the Asian group. The Delegation pointed out that the establishment of the CDIP by the WIPO General Assembly in 2007 was a very important step to deal with the fundamental rights and interests of developing countries and that the Committee also provided a basis for carrying out the WIPO mandate to promote creative intellectual activities and to facilitating the transfer of technology related to industrial property to the developing countries in order to accelerate economic, social and cultural development. The Delegation expressed the view that the implementation of the agreed recommendations would move the national and international IP systems toward a balanced IP arrangement that would be adaptable to development requirements of member countries. The Delegation indicated that the CDIP should provide the strategies to accelerate implementation of the entire 45 agreed proposals, in order to lead to the formulation of a CDIP work plan. Finally, the Delegation said that the Committee could also consider and take advantage of the United Nations system’s wider goals including the millennium declaration.

52. The Delegation of Yemen indicated that Yemen had always been active in the discussions that led to the creation of the Committee during the General Assemblies. It hoped that the Committee would be able to participate in the development of developing countries and guide the implementation of the 45 proposals submitted to them.

53. The Delegation of the United States of America appreciated the extremely thoughtful responses that were set forth in the annexes to the Preliminary Implementation Report in respect of the 19 proposals and to the initial working document for the implementation of the 26 agreed proposals. The Delegation expressed the view that the documents provided rich detail on the extensive existing WIPO programs and activities in the area of development and the protection of IP rights, and that they would be an invaluable resource for the Committee. The Delegation recalled that over the last three years, the United States had been actively and constructively engaged in all aspects of the development agenda process which had led to the establishment of the CDIP. The Delegation mentioned that as they entered a new phase of their work it intended to remain active and fully engaged in the work of the Committee. The Delegation affirmed that it was important to keep in mind certain fundamental principles that could serve as a useful guide to the work of the Committee. Firstly, the Delegation indicated that the Committee should take care to implement the adopted proposals in the manner that would be fully consistent with the general mandate of WIPO and within the specific mandate of the Committee provided by the 2007 General Assemblies. Secondly, the Delegation said

that the Committee should also take care to implement all the adopted proposals in a manner that would be fully consistent with WIPO's regular budgetary review procedures, with special attention paid to the proposals that might require additional financial or human resources. In that connection, the Delegation added that it looked forward to receiving from the Secretariat, as soon as possible, the promised data on the financial and human resources requirements needed to implement the proposals before them, as they believed that it would not be possible to complete the work program without this data. Thirdly, the Delegation joined the suggestion of the Chair in his opening remarks regarding the importance for the Committee to establish priorities, and to do so on the basis of the preliminary report and initial working documents prepared for the first meeting of the CDIP.

54. The Delegation of Indonesia pointed out that the section in the documents relating to information on activities for implementation of proposals was very worthy of consideration, since it was presented thoroughly, comprehensively and encouragingly. The Delegation stated that development was an important *mantra* for many, not only for developing countries, but for all, and that consideration should be brought to higher attention to developing countries, LDCs and countries with economies in transition. The Delegation expressed the view that fair treatment and consideration would create benefits, not only for the mentioned regions but for all. On the technicalities of implementation, the Delegation hoped that the International Bureau would continue its excellent work and would put greater emphasis on the specific needs of the beneficiaries. The Delegation noted that a number of countries might face difficulties in defining their needs in the areas of intellectual property and development but said that with the convincing skills of the WIPO staff, this concern could hopefully be addressed in a productive way. The Delegation welcomed the agreement of the Committee at this juncture that they would focus their work program on the implementation of the remaining 26 proposals with each nature of activity, its objectives, geographical focus and partners. Finally, the Delegation reiterated that Indonesia would be supportive of the deliberations of the new Committee, as it was willing to see more productive sessions among Member States and other stakeholders involved.

55. The Delegation of Mexico highlighted that the first session of CDIP was an extremely important event because their main objective was to develop a work program with a view to implementing the proposals adopted in 2007. The Delegation said that it was convinced that that exercise would enable them to reinforce the important contribution made by WIPO in the field of intellectual property. The Delegation said that there were basic principles which they had to bear in mind and abide by, but the main pillar of their work should be the fact that they were all here together in the room to find the appropriate formula to promote the development in the field of intellectual property of developing countries. The Delegation indicated that for Mexico it was important to consider that as a historic fact, and reiterated that it was prepared to work in order to promote developing countries, and as far as possible, to enable them to cooperate in the CDIP owing to compromises so as to achieve the very best results.

56. The Delegation of Australia said that it was looking forward to working constructively and cooperatively with the Chair as well as the members of the Committee and the WIPO Secretariat to build on the work of the PCDA to deliver tangible outcomes for developing countries. The Delegation said that Australia had always been a strong supporter of the WIPO Development Agenda and continued to expand its own resources within the ASEAN region, particularly with technical assistance and capability programs to further contribute to WIPO's efforts. The Delegation indicated that Australia was attempting to coordinate its activities with WIPO and other donor countries, so that their resources were mutually

supportive of the WIPO Development Agenda and added that it had also had some recent successes in conducting joint activities between WIPO and regional partners, maximizing their different skills, expertise and resources. The Delegation mentioned that it looked forward to constructive and collaborative progress in the outcomes asked of them by the General Assemblies, including developing a program for all the agreed recommendations and establishing an effective and transparent framework for over-viewing the management of the work program, including mechanisms for monitoring, reporting on, evaluating and reviewing the agreed program and associated budgets and resources.

57. The Delegation of Pakistan said that the WIPO Development Agenda has generated a lot of expectations, which if implemented effectively would not only help developing countries to effectively use IP towards their growth and development, but also help in strengthening the international IP regime. It looked forward to constructively engaging in substantive discussions.

58. The Delegation of the United Kingdom supported the statements made by the Delegation of Slovenia on behalf of the European Union, and by the United States of America on behalf of Group B. The Delegation said that it had participated constructively in past WIPO Development Agenda discussions and that it remained committed to the future process. The Delegation mentioned that in order to ensure that WIPO's work on IP and development would be effective, it was vital that the work plan, developed by the Committee, contained as much relevant information as possible, and added that provision of relevant details would also enable Member States to make informed decisions when approving the work plan. The Delegation indicated that apart from ideas for implementation, the work plan should include, *inter alia*, connections between the work plan and the aims of the adopted proposals, expected outcomes, a forecast of human and financial resource requirements, means to evaluate the results of the work plan against the expected outcomes and the resource forecast, means to review the work plan in light of said evaluation and a time frame for delivery, evaluation and review. The Delegation stated that it looked forward to entering into constructive discussions with other Member States, in order to clarify the ideas for implementation of the agreed proposals, and to agree to ways in which the aforementioned requirements could be met. The Delegation pointed out that once the work plan had been elaborated in that manner, it was confident that progress would be made in recommending a work plan to the General Assemblies for the approval of all Member States.

59. The Delegation of the Russian Federation said that the creation of the CDIP had come about thanks to the joint efforts deployed by Members of the PCDA. The Delegation indicated that it was prepared to discuss constructively all the 45 proposals included in the document, in order to ensure achievement of consensus of all issues in which the members of the Committee were interested.

60. The Delegation of Bangladesh aligned itself with the statement of the Asian Group made by the Delegation of Singapore and pointed out that the adoption of the WIPO Development Agenda was a great beginning but the success of the Committee, however, would be in the effective implementation of its recommendations. The Delegation said that the key to their success would be in deciding on how to proceed on the implementation process and hoped to engage constructively during the meeting, making specific comments related to the proposals at an opportune moment. The Delegation indicated that at that stage it had two general comments. First, to favor a holistic approach for implementation of all the proposals in order to ensure that IP would be an effective tool to promote innovation,

facilitate transfer of technology, build capacity and IP institutions and create a level playing field for developing countries to utilize IP for social economic development; and secondly, attach importance to the proposals related specifically to the LDCs, as they provided benefits to a group of countries that faced the greatest challenges in building IP capacity and utilizing IP for generating development. In that context, the Delegation highlighted the High Level Forum on Intellectual Property for the LDCs entitled “Building Capacity and Knowledge Base for Wealth Creation Social and Cultural Development”, organized in Geneva on December 12, 2007, and thanked WIPO for organizing it. The Delegation mentioned that the Forum approved a ten point agenda, articulated by the representatives of the LDCs’ Global Coordination Body, and affirmed that the agenda was particularly significant in the context of implementing the WIPO Development Agenda recommendations relating to the LDCs.

61. The Delegation of Brazil supported the statement of the Delegation of Argentina on behalf of the “Friends of Development” and requested to put on record its view that the development agenda was for them, a new point of convergence between different perspectives of Members, and for the role of WIPO as an agency of the UN system which was both, committed to the UN social and economic goals, as well as to promoting intellectual property. The Delegation indicated that some of the content agreed to in the 45 recommendations adopted by all in the September 2007 General Assembly also reflected points of interest to a great number of stakeholders outside the Organization, as well as the perspectives of some people within the Organization. The Delegation pointed out that the existence of a new Committee on Development and Intellectual Property was a historic opportunity to inaugurate a new phase for WIPO, its membership and for the IP system, a new phase based on a broader range of inter-related issues, better suited to deal with the new challenges posed by evolving technologies, the globalization of economic and innovative activity, and at the same time more open to inputs and scrutiny from within and from the outside. The Delegation mentioned that Brazil would continue to be constructive with a view to making progress towards the implementation of the development agenda through a carefully elaborated work program, which would faithfully reflect the far reaching agreements adopted during the 2007 General Assembly.

62. The Delegation of Benin stated that the task of the Committee was to implement the objectives of development assigned to WIPO. The Delegation also joined the statement earlier made by the Delegation of Algeria on behalf of the African Group and stated its conviction that IP should not be understood as the protection of creative, artistic and cultural inventions but an important tool allowing access to knowledge and ensuring the well being of populations. The Delegation expressed its happiness about the creation of the CDIP and hoped that the implementation of the proposals adopted in 2007 would contribute towards creating an agenda that would comply with the specific needs and legitimate aspirations of the population of the WIPO member countries. The Delegation indicated its readiness to cooperate with all the WIPO Member States in order to go cluster by cluster and item by item to enable WIPO to achieve all the objectives of the development agenda.

63. The Delegation of Jamaica mentioned that it looked forward to the implementation of the proposals, in particular the proposals related to the area of medicine as a nexus between health and development.

64. The Delegation of Guinea joined the declaration made by the coordinator of the African Group and committed itself not to spare any effort to contribute to the success of the Committee’s mission in the interest of WIPO Member States.

65. The Delegation of Cuba stated that the amendments to the current intellectual property protection system were a necessity, recognized today by many developing country members. The Delegation aligned itself with the statement made by the Delegation of Argentina on behalf of the “Friends of Development” and hoped that the discussions would form a basis for the future.

66. The Representative of the United Nations Organization said that it was speaking on behalf of the Office of the United High Commissioner for Human Rights, which was part of the United Nations Secretariat. The Representative thanked the Committee on Development and Intellectual Property for providing it with an opportunity to make a few remarks at its inaugural session. The Representative said that the Office of the United High Commissioner for Human Rights (OHCHR) had the responsibility for implementing the United Nations human rights program. The International community had given OHCHR a mandate to protect and promote human rights law in the world, headed by the High Commissioner for human rights. OHCHR worked to build awareness of and respect for human rights empowering individuals to claim their rights and assisting states to uphold them. The Representative pointed out that at the World Summit in 2005, world leaders acknowledged that peace and security, development and human rights were interlinked and mutually reinforced and were the foundations for collective security and well being. The Representative said that the world leaders expressed their resolve, “to integrate the promotion and protection of human rights into national policies, and to support the further mainstreaming of human rights throughout the UN system, as well as closer cooperation between the office of the high commissioner for human rights and all relevant UN bodies.” The Representative welcomed the report of the PCDA, the adoption of a development agenda by the General Assembly of WIPO, and the creation of the committee on development of intellectual property. The Representative pointed out that intellectual property protection could indeed be a vehicle for promoting the development and well being through the promotion of investment in innovation and thus contribute to the promotion of human rights. The Representative stated that the international human rights instruments such as the universal declaration of human rights recognized the right of everyone to benefit from protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she was the author, a right which derived from the inherent dignity and worth of all persons. The Representative pointed out that human rights instruments also underlined the duty of states to strike an adequate balance between private and public interests in the protection of intellectual property, taking into account the right of everyone to enjoy the benefits of scientific progress and its applications on other human rights. It stated that independent experts of the human rights council and the human rights treaty bodies had expressed concern on the impact of intellectual property protection under certain circumstances and the right to have, as amply demonstrated in discussion over access to essential medicines in the context of TRIPS, the right to food, the right to education, the right to benefit from scientific progress and the rights of the indigenous peoples. The Office announced its willingness to contribute to the work of the committee, drawing on the conclusions and observations of the UN human rights mechanisms that had addressed the impact of the intellectual property policies on various human rights. In the context of the 19 proposals, that were being implemented, OHCHR specifically welcomed recommendation 35, which requested WIPO “to undertake upon request of Member States, the new studies to assess the economic social and cultural impact of the use of intellectual property system in these states”. And bearing in mind, the internationally recognized human rights in the economic social and cultural fields, OHCHR encouraged Member States and the

Committee to consider the use of human rights impact assessment in developing a work program for implementation of the recommendation.

67. The Representative of the African Union expressed its support for the statement made by the Delegation of Algeria, the Chairperson of the African Group. The Representative stated that after lengthy discussions the time had come for the implementation of the recommendations included in the development agenda. The Representative said that it believed that the implementation was even more important than negotiation, with particular reference to the approval of the 45 recommendations. The Representative pointed out that regarding the gap between the developing and developed countries, it was trying to examine all problems so that it could protect the objectives of WIPO. The Representative said that the deliberations were also going hand in hand with the spirit of cooperation and patience. The Representative hoped that the Committee would be able not only to arrive at a consensus on the issues discussed but also ensure a mutually beneficial partnership so as to ensure a balanced development of WIPO worldwide. The Representative stated that the African Union would like to target specific needs of individual countries and believed that the proposals put forward by the Chair would enable a rapid identification of activities in line with the recommendations. It also pointed out that the activities proposed, would enable the Committee to develop and achieve objectives if it had adequate resources. The Representative noted that member countries had explored all avenues to equip the Committee with proper means to accomplish its mandate.

68. The Representative of the Library and Copyright Alliance from the United States of America said that it appreciated the opportunity of actively taking part in the discussions concerning the implementation of the development agenda and to build on the constructive efforts that had been made by Member States, and the Secretariat through the skilful leadership of the Chair. The Representative stated that it was representing the interests of five major American library associations in copyright issues that affected the library community, nationally and internationally. The Representative said that it was encouraging Member States to consider that the growth of knowledge was the key to development and that libraries had long served as the foundation for the preservation and broadest possible dissemination of knowledge in societies. The Representative said that it was encouraging Member States to consider the importance of including libraries in local efforts, a technical assistance and capacity building which would serve to promote the goals of information literacy and a balanced approach to intellectual property protection. The Representative stated that in supporting a robust public domain, adequate limitations and exceptions for the purposes of education, scholarship and creativity and access to knowledge and technology to foster innovation, the library and archival community was prepared to contribute fully to the implementation goals of WIPO and its Member States.

69. The Representative of the Electronic Information for Libraries stated that the Electronic Information for Libraries was an international foundation that enabled access to knowledge by library users, in developing and transition countries by negotiating fair licenses with commercial publishers for electronic resources, supporting the development of strong national library consortia, building capacity in copyright issues and sharing knowledge on alternative models, such as open access publishing and open source software for libraries. The Representative welcomed the adoption of the 45 agreed proposals at the General Assembly in 2007, which it believed heralded an era of new dialogue on the relationship between intellectual property and development. The Representative stated that it welcomed the establishment of the Committee to develop a work program for the implementation of the

adopted recommendations and to monitor and report on progress. The Representative stated that it was grateful for the opportunity to contribute to the discussions; it believed that NGO's had demonstrated that they could provide a positive contribution through their practical experience and specialist knowledge. The Representative pointed out that it agreed with the comments of the delegations of Brazil, Chile and South Africa with regard to the 19 proposals for immediate implementation. The Representative said that it believed that the proposals may warrant some further scrutiny during that week. For example, in proposal number one, the technical assistance should be development-oriented and demand-driven. The Representative pointed out that it was important that planned activities reflected the purpose and spirit of the development agenda. The Representative said that it would give 2 examples: Regional and national seminars in the field of copyright should represent the interests of all stake holders including libraries and the public interest. And the program should give equal weight to flexibilities such as exceptions and limitations and the value of the public domain. Recommendations 8 and 9 were to take into account the priorities and special needs of the developing countries in WIPO's technical assistance program, and to make available advice on the understanding and use of flexibilities contained in the TRIPS agreement. The Representative said that, if for example, an LDC deemed it a priority to increase the number of trained doctors and nurses in order to achieve its millennium development goals, it might wish to boost its education and training sector. One strand of the policy might be to ensure that there were appropriate and adequate exceptions and limitations in national copyright law to support education and libraries, upon which students in developing countries and LDC's entirely depend for their learning material. The Representative stated that the Electronic Information for Libraries would be glad to provide expertise, through the technical assistance program, and in accordance with the principles of transparency in recommendation number 4, on any priorities within the confidence that a member state may have. The Representative pointed out that it had been following the development agenda for the last 3 years, and their members in 50 developing and transition countries were heartened by the progress made that far.

70. The Representative of the Electronic Frontier Foundation (EFF) said that it was speaking on behalf of the electronic and frontier foundation, and its 12,000 individual members. The Representative said that discussions on how to implement the 45 recommendations was being closely followed by a diverse community outside Geneva, because crafting balanced IP rules that served the needs of all the world's citizens was a matter of global importance. The Representative pointed out that it had participated in all the development agenda meetings, and that day it wished to comment on 4 sets of recommendations that impact on WIPO's activities. The Representative stated that first, it supported the recommendations for WIPO to promote norm-setting that was protective of a robust public domain and which deepened the analysis of the implications and benefits of a public domain (number 16). The Representative added that a rich and a robust public domain was worth a source of creativity for future creative endeavor, and the essential foundation for education, scientific knowledge and innovation. The Representative also expressed its support for recommendations for norm-setting to safeguard Member States' national sovereignty in the area of exceptions and limitations, that were appropriate for the country's level of development, taking into account the potential flexibilities in international IP agreements. The Representative said that on Recommendations B 20, B 17 and 22, WIPO could play a key role by producing guides for the Member States on how they could protect the public domain and existing copyright exceptions and limitations against encroachment by overboard legal protection for technological protection measures by providing information about mechanisms to make public domain work readily identifiable and by conducting a

survey of the different types of approaches taken by Member States to facilitate access to and use of authentic copyright works. The Representative added that WIPO could provide Member States with information about the benefits for innovation, education and scientific research of promoting open and public access policies, such as that adopted in January 2008 by the USNIH which required publicly funded scientific research to be deposited in the online central public repository. The Representative said that to promote access to and encourage building upon existing research, WIPO could undertake a study of the various public access policies being considered in the United States of America, Europe, Australia and Canada to assist Member States to identify how they could best use public investments in scientific research to promote innovation. Secondly, the Representative said that it supported the discussions on how to facilitate access to knowledge and technology, to foster creativity and innovation, and to facilitate IP-related aspects of ICT for growth and development in Recommendations 19 and 21. Access to knowledge required access to new innovative ICTs that promoted open knowledge sharing, such as robust content hosting platforms, internet search engines, collaborative tools such as Wiki's use to create the online global encyclopedia, Wikipedia, and mobile content delivery devices. The Representative said that it was essential that national and international copyright laws provided an environment that was conducive to technology innovation and human development. The Representative recommended that WIPO should convene an open forum with representatives from the technology industry, education and ICT for development community, to analyze IP-related obstacles to technology innovation, infrastructure growth and use of ICT's consistent with the development goals of the UN system and bridging the development-divide in accordance with the recommendations B22 and C24. Thirdly, the Representative welcomed the recommendations for use of the evidence based studies for norm-setting and policy development and strengthening WIPO's capacity to perform objective assessments of the impact of its activities (recommendations 38 and 33). The Representative said that given the controversy surrounding legally enforced TPMs for broadcasters in the recent discussions in the standing committee on copyright, it believed all parties would benefit from an independent assessment of the economic and social cost of implementing such new obligations. The Representative pointed out that it was supporting the adoption of concrete measures to ensure transparency in WIPO's technical assistance and norm-setting activity in accordance with recommendation 5. The Representative stated that it was aware that WIPO's technical assistance program usually had a model copyright law that contained a number of deficiencies. The model copyright law was no longer available for view on WIPO's website. As part of the commitment to transparency embodied in recommendation 5, it expected that the WIPO model copyright law, together with the working document that contained interpretations and flexibilities would be made available on the general access section of technological assistance website described in the Secretariat matrix.

71. The Representative of the Third World Network (TWN) stated that the adoption of 45 proposals covering a wide range of areas in WIPO showed that much work needed to be done to orient WIPO towards a pro-development approach. The Representative welcomed the establishment of the Committee. The Representative said that it was going to focus its statement to the cluster of technical assistance and norm-setting. The Representative pointed out that Proposal 1 mentioned that technical assistance would take into account the priorities and the special needs of developing countries especially the LDCs. It would be useful to know what kind of methodology or tools were used to identify needs and priorities. The Representative said that there was at that time very little information on the tools. The Representative stated that what was known was that WIPO when providing legislative assistance had been proposing about 8 laws on different categories of IP, patents, trademarks

and unfair competition, industrial designs and others all bundled into one single act. The Representative pointed out that the approach taken by WIPO was fine for countries where there was capacity, but from the Representative's experience many developing countries had much difficulty in assessing the development complexities of IP legislation. The Representative stated that the approach, did not in its view respond to specific needs and development priorities. Plus, there was a need for a framework, that would guide on the delivery of the technical assistance which was development oriented. The framework must also be monitored, evaluated regularly to ensure that it continued to meet the development needs of developing countries. The Representative said that the second issue that it wanted to highlight was transparency in the provision of technical assistance. The Representative said that it was making two proposals. First that the template used as a basis for providing legislative assistance to developing countries and to LDCs should be made available on WIPO's website. The Representative said that it had found that several precedents used by WIPO to provide legislative assistance contained provisions that went beyond the TRIPS agreement and that could among others, hinder access to medicines. Second, full information such as agenda, names of speakers, participants list, outcomes of all events, where WIPO was the organizer or sponsor should be made publicly available on the website as soon as possible. There should also be adequate representation and participation by civil society organizations, taking into account conflicts of interests in all WIPO events. The Representative pointed out that at that time, there was very little information available online pertaining to the numerous national, regional and other events organized by WIPO. The Representative said that in the area of norm-setting, it was supportive of the "Friends of Development" suggestion to incorporate recommendations 15, 16, 17, 21 and 22 as an annex to the rules of procedure of SCT, SCP, IGC and SCCR.

72. The Representative of the Knowledge Ecology International stated that everyone agreed that WIPO's mission was not simply expanding intellectual property rights. Projects such as access to knowledge, the implications and benefits of a rich and accessible public domain and strategies with dealing with abuses of rights or other measures to protect the public interest were also part of the agenda. So too would be thoughtful evaluation of new methods of supporting creativity including those that rely on openness, sequential innovation and collaboration. The Representative said that with respect to the recommendation on access to knowledge it welcomed the "Friends of Development" suggestion to organize discussions with relevant international organizations and non governmental organizations. The original proposal in 2004 called for an elaboration of a treaty on access to knowledge and technology. The Representative believed that an open forum would be a welcome first step. Additional measures should include discussions within the standing committee on copyright and related rights. The Representative pointed out that the following week the SCCR would be looking at the topic of limitations and exceptions in the field of copyright, and so a discussion on a potential treaty on access to knowledge and technology would benefit the Committee. The Representative added that, for example, it might be interesting for WIPO to consider global norms to facilitate access to orphaned copyrighted works or to facilitate the development of cross border services for the blind or for distance education. The Representative stated that it welcomed the adoption of Recommendation 36 which called upon WIPO to exchange experiences on open collaborative projects, such as the human genome project as well as on IP models. The Representative hoped that WIPO would create a Forum on the control of anti-competitive practices in both the patent and copyright fields, and consider problems of implementing article 40 of the TRIPS Agreement. Much of the development agenda discussions concern the issue of impact assessments. It recommended that the Secretariat survey Member States on the systems that were being used to undertake impact assessments

and economic analysis, in the area of intellectual property legal norms and practices. The Representative suggested that WIPO create a system that could respond to research questions from Member States.

73. The Representative of the International Federation of the Phonographic Industry stated that it was an organization which presented 1450 producers in 78 countries, at all stages of development. The Representative said that it was giving the statement on behalf of the coalition of 13 major international NGO's, representing creators in the entire chain of creative endeavor, including musicians, performers, publishers, producers of sound recordings and audio-visual works. The Representative referred the Committee to the joint position statement of the Coalition for Creativity and Development made that morning. The Representative added that the statement highlighted the significant contribution of the creative industries, not only to the culture and quality of life but also to the local economy. The Representative emphasized the importance of maintaining incentives for creators to create. The Representative pointed out that the intellectual property framework provided the incentives and stimulated social and economic growth in both developed and developing countries. The Representative supported the establishment of conditions that facilitate creation and assisted creators to make the fullest contribution to economic and social growth. The Representative pointed out that their joint statement included detailed comments on specific proposals and that the Coalition for Creativity and Development looked forward to contributing to the discussions on the proposals in the meeting.

74. The Representative of the International Federation of Film Producers Association said that its Association was a leading member in the Coalition for Creativity and Development and it was a co-signatory of the statement by the Coalition for Creativity and Development. The Representative said that the Federation, represented film makers and sound producers throughout the world, the majority of whom were SMEs, struggle for economic precariousness and make films in areas where the resources to do so were scarce, and where illegal copying and distribution gravely undermined creativity and their economic viability. The Representative stated that it was the informed view of those struggling filmmakers that copyright and related right were, therefore, for the social and economic development of the SMEs, in the face of those strong challenges. The Representative added that the filmmakers that it knew and assisted daily in the developing countries did not want to be passive recipients of other country's creative works. For those countries in moderate stages of economic development, they believed that they should be empowered to make their full contribution to cultural diversity including the expression of their own culture through the powerful medium of film. They believed that copyright and related rights assisted them greatly in meeting those goals by protecting and empowering their creativity. The Representative hoped that the future work plan of WIPO for the implementation of the 45 proposals and beyond would maintain a practical focused results-driven focus on the interests of the creative artists at its core. The Representative stated that the following day its Federation, in association with the Mission of Permanent Representative of Uruguay would be screening a movie from Uruguay, which was also the result of an extreme level of international cooperation involving Brazil, Uruguay, Peru, France and Spain. The Representative said that the movie was called "*The Pope's Toilet*", and hastened to clarify that the title was purely incidental, and that the comedy was a serious film with social critique and a very hopeful message at its core. It was an example of the best that could be achieved to bring small movies from a developing country to the attention of a world wide audience and project the cultural charge of that country onto the world. The Representative invited all

delegates, all representatives from capital, representatives of permanent missions to go and see IP cooperation at work in the best possible context.

75. The Chair then suggested that the Committee should first deal with the first proposal in Cluster A in the group of 26 proposals and then deal with the first proposal in Cluster A in the group of 19 proposals. He added that if in addressing the first proposal in Cluster A of the 26 a delegation wanted to cross reference, any of the proposals in the 26, and more specifically any other proposals in the 19, it was welcome to do that. The Chair further suggested that the Committee begin by asking the Secretariat to introduce the first adopted proposal in Cluster A of the 26. Then, the groups and the delegation that had submitted suggestions or non-papers i.e. (a) Central European and Baltic States, (b) the Group of Friends of Development and (c) the Republic of Korea, would be asked to present their responses, suggestions and inputs, with respect to that first proposal. The Committee would then discuss the proposal, at the end of which the outcome would be summarized. The Chair clarified that an agreement during the discussions would not mean that the issue has been sealed but delegations could always go back to the issue when they needed to.

76. The Delegation of the European Community (EC) stated that it was concerned that it would not be possible during that meeting to draw hard conclusions on any of the given items that were before them. The Delegation believed that there had not been sufficient time for its Member States to conduct the analysis and consultation necessary, prior to taking a final decision on any of the given items. The Delegation added that it seemed there was insufficient detail in the material before them, for example, the General Assembly mandate for that meeting called for a draft work program that would include details of the financial and human resources requirements necessary for the implementation under discussion. The details had not yet been submitted to the Committee. The Delegation believed that the approach presented by the Chair was extremely productive. The Delegation said that it believed that the approach was directed more towards creating a draft work program along the lines described in the general assembly mandate for the Committee's first meeting and perhaps that would be considered as a draft work program and distributed to the Member States in good time before the following meeting for further discussion and for decisions at that meeting. The Delegation added that the European Community and its member states wanted to make it clear prior to beginning of the Committee's discussions on substance, that the work program developed by the Committee under sub paragraph a of the General Assembly mandate, as it was reproduced in document CDIP/1/2 was intended for submission for General Assembly for approval prior to implementation under subparagraph b of that mandate. The Delegation pointed out that it was looking forward to the creation of the draft work program in conformance with the mandate of the general assembly.

77. The Delegation of Mexico thought that the work program suggested by the Chair could serve as a good basis to start the Committee's work, and that the proposals that were made by the Chair on how the Committee should proceed with its work was already an element of the work program for the implementation of the adopted proposals. The Delegation did not think that the Committee was elaborating a draft program, but was already building the foundations of the building which would be the results of the Committee's work. The Delegation pointed out that agenda item 5 was on the consideration of work program for implementation of adopted proposals. The Delegation stated that since the Committee had accepted the way in which it should work, that should be a component of the work program which would lead the Committee to the actions needed to implement the proposals that were adopted by the General Assembly. The Delegation pointed out that the agenda item 6 referred to future work and

though on one hand it did not expect the Committee to try to complete a work program, on the other hand it did not want the program to be a draft work program. The Delegation believed that what the Committee would be building would be integrated into the foundations of the work program. The Delegation stated that the work program also included the methods of work so it thought that it would be more appropriate to see that the Committee was complying with agenda item 5, which also was related to method of work. Without prejudice to being definitive or not and then on the agenda item 5 future work, the Delegation would have the opportunity to see the following steps that the Committee would have to take as the week progressed.

78. The Chair pointed that what the Committee was doing during that week, was tied up in future work and what happens between March and July. He added that the Committee would certainly want to do some work informally during the March-July period and that he would further explain that later. The Chair said that the Secretariat (for the Committee) had to work with other divisions within the bureau on all of those issues, concerning the question of human and financial resources, as he had referred to early in his introductory statement on the item. He pointed out that the Committee had also to work on all of the issues. The Chair stated that the Committee would be starting to discuss substantial inputs and based on the inputs, the Secretariat would make adjustments to the documents. The Chair pointed out that his suggestion of having an initial approval on items discussed would not mean that the proposal has been sealed. He said that delegations will always be able to revisit the items if need be at a later stage. He added that agreeing on a proposal would allow the Committee to arrive at a common understanding of what was meant by the adopted proposal, and the Secretariat could move to the identification of the financial and human resource needed. The Chair thought that the Delegation of Mexico was right by noting that some of the items the Committee was discussing needed to go back to the General Assembly for approval, if the financial requirements exceeded what was in the existing budget. The Chair stated that there were some activities that could be handled within the existing budget, but also some activities might exceed the budget. The Chair informed the Committee that a discussion on the budget would be held in July of that year when the Committee would have more details on the Secretariat's human and financial requirements to implement the proposals.

79. The Delegation of India pointed out the recommendations of the last General Assembly. The Delegation stated that the recommendations invited the Chair of the PCDA to prepare initial working document including a draft work program. The Delegation said that the Chair had already submitted to the Committee the draft work program. The Delegation added that that the Committee was supposed to prepare a work program during its first meeting. It stated that if the mandate of the Committee was to oversee implementation and monitoring in the 45 agreed proposals, it would imply that the Committee would discuss, and agree on contours of the proposals and once it had the proposals, the scope, object and the modality of accomplishment of the proposals, the Committee would look at what resources were required, both human and financial, to what extent that was already provided for in the budget and to what extent the Committee needed to supplement resources and how to seek the resources if need be, through the approval of the General Assembly for appropriate provisions in the budget. The Delegation pointed out that if the above was the case, the Committee was to discuss, debate and finalize the draft proposals that were before it. The Delegation added that once the Committee had discussed and finalized the proposals, the Secretariat could look at both the implications, the financial and human implications and inform the Committee and then the Committee could take a view on the next step.

80. The Delegation of Algeria thought the Committee had a very clear mandate from the General Assembly. The Delegation added that the broad outlines were clear, and that there was no approach that was similar from one proposal to the other. If the Committee was going to take proposal 1 on the technical assistance and take proposal 1 from norm-setting, the Committee was going to deal with them in different ways. The Delegation pointed out that the Committee had 45 proposals and it might take 5-6 years for it to work on them. 19 of which would be implemented immediately and would be evaluated, and then there were 26 which would be dealt with one by one.

81. The Delegation of Slovenia stated that it understood the intervention of the Delegation of Algeria. The Delegation pointed out that it could join with the recommendation if the use of the word "approved" for particular items was dropped, and instead reference be made to the Chair closing discussions on an item, after they had been formally discussed. The Delegation added that there seemed to be some misunderstanding or disagreement concerning what would have to go back to the general assembly after the work of the Committee was finished on the work program. The Delegation expressed its desire to see the issue being cleared up prior to entering into the substantive discussions.

82. The Chair summed up the discussions till then and suggested that they proceed on the basis of the approach that they first deal with Cluster A in the 26, recommendation by recommendation, and when they finished the 5 recommendations in Cluster A in the 26 they move to the recommendations in Cluster A in the 19. In that regard, the Chair also distributed two flow charts to illustrate the suggested process.

83. The Delegation of Slovenia asked whether the committee would be required to agree or adopt each of the proposals at the end of the discussion or if the Chair would still consider a different approach which was closing the discussion and moving on.

84. The Delegation of Argentina explained that it wanted to add a column, so that the committee could make a distinction between the activities proposed for information from other activities.

85. The Delegation of Brazil clarified that the column with information on activities was a little bit the same thing that they had in the Manalo document when the meeting discussed the 100+ proposals for the development agenda. There was a lot of information on ongoing activities within WIPO that were not necessarily a proposal for an activity in the sense of the Committee's program of work within the context of the 45 adopted proposals. It cited as examples a lot of reference to regional activities done in the context of Latin America, Africa, Asia, etc, that was important as background information on ongoing activities but they were not exactly a proposal for the program of work. It said it was difficult to amend a text that was basic information on ongoing activities and not necessarily a proposal for the work program and pointed out that if they had a clean new column where they extracted the things that were concrete proposals from the information provided by the Secretariat and also extracted from the proposals made by the other members, either during the course of the Session, or which had already been circulated as informal contributions. It suggested that the committee would then add them to a new column which would be the basis of the committee's work. The Delegation explained that it could perhaps see with greater clarity where the committee was going. Otherwise the meeting would lose a lot of time having simply to make comments on the ongoing activities described in the information column.

86. The Delegation of Switzerland said the Delegations of Argentina and Brazil had made interesting suggestion in adding a new column to differentiate already existing activities and future actions. It was their feeling that the document it received from the Chair was very valuable and contained a lot of information on what WIPO was doing and on future actions WIPO could do. It agreed with the distinguished colleagues from Argentina and Brazil that the document, in order to be developed into a real working plan, needed some revision and would probably need new columns that would clearly identify future actions and not new projects. It meant projects that might be implemented in the future, for which the meeting would probably need further columns on things like budget, human resources, milestones and responsibilities, as to who was carrying out those specific actions. The Delegation had the impression that the committee had to take time that week in order to have discussions, either in the committee or in other smaller groups, on how to organize that document, in order to make it into a working plan.

87. The Secretariat recalled the General Assembly resolution concerning the 19 proposals, and also reminded the Member States of what happened during their informal discussions on the mandate that was given to the Secretariat concerning the 19 proposals. That mandate was to prepare an implementation report, a preliminary report which reflected how WIPO was implementing the 19 proposals. There was no indication that the Secretariat needed to prepare a work program, nor a budgeted work program. It stated that the understanding was that WIPO would give a preliminary report on the implementation of the 19 proposals. There was never an idea of preparing a work program, concerning the implementation of the 19 proposals. However, if it was decided to create a new column in which the Secretariat could indicate some of the future activities that WIPO would be implementing and separate them from what WIPO was implementing currently, WIPO could do that, but it was going to take time. However, it wanted to go on record that that was not what the Secretariat was mandated to do.

88. The Delegation of the United States of America stated they would follow up on what the Delegation of Slovenia had mentioned. With regard to the list of 26 proposals, it wanted to propose that instead of stating “broadly agreed on”, it could be said that it was “broadly agreed that these proposed activities, as suitably modified following discussions would be sent to the Secretariat..” and the rest would stay the same.

89. The Delegation of Mexico said that while referring to proposals, they should say “agreed proposals”.

90. The Chair said “proposals” should be replaced by “adopted recommendations”.

91. The Delegation of Slovenia thanked the Delegation of the United States of America for the very constructive proposal and said it could agree with what was proposed by the United States of America.

92. The Delegation of Brazil liked to make an additional comment on the issue of 26 versus 19. It thought there was a gentleman’s agreement that for the 26 there might be additional resources, human and financial which might be needed for their implementation, whereas in principal for the 19 that was not the case. It said that there was no other difference between the two. In the table, a lot of the information provided by the Secretariat related to ongoing activities. The Delegation stated that some activities were ongoing before the Committee agreed to the 45 development agenda recommendations, so the Delegation

believed that in the end it was not really the case that at that point to agree on those activities being implemented, as some of them were being implemented already for some time. It did not think that they were required to comment on activities being implemented in the light of the development agenda proposals and make suggestions for change, as was necessary. It thought that the exercise was to see how the development agenda translated into a change in the general orientation of those activities, and not necessarily just to look at them and say they fulfilled exactly what was expected of them and then, give them a certificate of development agenda compliance and that would be it and the members would then all go home. It did not think that that was the intention originally. It thought it was an ongoing discussion, and the Committee always analyzed the activities in that body and they were always commenting on them, exchanging views as to how they could be better adapted to the spirit and the letter of what the Committee agreed on at the last General assembly, whether they were the 19 proposals that perhaps did not require additional funding or human resources, whether they were the 26 that apparently would require some additional resources and funding. It added that after the exercise was through, the Secretariat would have a basis to make the assessment about financial and human resources and come back to the Committee at the next meeting. It said the Committee needed some kind of substantive examining process, to reflect on them, put them in the new column suggested in the meeting and show the analysis on the ongoing activities and on activities for the future. The Delegation thought that the outcome of the exercise would be the new column and explained that the Delegation did not have anything against adding additional columns, such as those proposed by the Delegation of Switzerland.

93. The Delegation of Tunisia observed that the Committee had spent almost a day and a half looking at the issue of what approach it should take. It said that was all very well and good, but actually it was a bit excessive. It expressed support for what has been said by the Delegation of Mexico. It responded to comments made by the delegations of Slovenia and the United States of America, and wondered why the committee should spend long days working on recommendations that had already been adopted by the General Assembly and end up handing the text over to the Secretariat or simply bringing the discussion to a close as though nothing had happened. It said the committee was there, to get down to work and to make head way and what they had to do was to set themselves specific feasible objectives. For instance, the Delegation suggested trying to reach agreement on recommendations. It thought that the minimum that the Committee should achieve was reaching agreement on recommendations as it did not think that the meeting should preempt results in any way by sending recommendation to the Secretariat, without prior discussion among the Committee members. It added that if that was what the Committee was going to do, it might as well bring the discussion to a close there and then, and hand it all over to the Secretariat and see what they thought. It said there would be no point in the Committee discussing the issues and trying to reach agreement on them.

94. The Chair hoped he did not give the meeting the impression that the deliberations for the rest of the week were not necessary. He emphasized that the Secretariat had a role to play, which it had began to play as mandated, but the mandate said the work was supposed to be developed through collaboration between the Secretariat and Member States. So it would be irresponsible of the Chair to give or to allow any impression to be created that the inputs from the Member States would either not be taken into consideration, or that they would not be allowed at all.

95. The Delegation of Australia reminded that the Committee was also there to oversee the implementation of the work program and so sufficient information should be provided for the

Committee to be able to do that. Therefore, the meeting needed to consult the Secretariat and come to an agreement about what was expected by the Committee.

96. The Delegation of Italy said it was fair to resend to the Secretariat those 26 proposals/recommendations to assess, before the July session, the requirements of human and financial resources.

97. The Chair thanked all delegations and then proceeded to elaborate on the methodology that would be followed. The adopted recommendations would be addressed one by one, starting with those contained in the list of 26 recommendations. After discussing all those recommendations in Cluster A, the Committee would shift its attention to Cluster A in the list of 19 recommendations for immediate implementation, prior to returning to the list of 26 recommendations to discuss Cluster B recommendations. This methodology would continue for the recommendations under the remaining clusters.

98. With regard to the format for discussions, the Chair said he was informed that it was the normal practice within WIPO, that during informal discussions the IGOs and NGOs were not included. However, members had expressed the view that the participation of IGOs and NGOs were seen to be important and critical in the process and that they would not want to see NGOs and IGOs excluded. Therefore, it had been decided that the meeting would remain in formal mode so that IGOs and NGOs could attend. However, the reports for the formal session would be brief, merely reflecting the outcome of the discussions, rather than the usual detailed reporting of interventions made by Members. Except otherwise requested by the delegation at the time of making the intervention, the report will only state the outcome of the discussions. The Chair then requested the IGOs and NGOs to respect the informality of the discussions and not to record nor publish statements made by Members in the session, nor report on the manner in which the discussions had taken place or what positions had been taken by Members during the discussions. The Chair said that that was part of the agreement and expressed the hope that the *quid pro quo* was valid and acceptable.

99. The Delegation of Slovenia commented on the procedure outlined by the Chair, which appeared to indicate that the Committee would be able to take formal decisions without reflecting the interventions of the individual Member States, as well as to clarify that the proposal of the United States of America had been adopted.

100. The Delegation of Brazil stated that in its understanding the proposal accepted for the list of 19, was to say “comments on” instead of ‘agreement on the ongoing activities’, or any other formulation that Member States believed was appropriate. On the list of 19 proposals, CDIP would be able to comment on activities being implemented in light of adopted proposals, with changes as necessary or with proposed changes as necessary. The formulation would be ‘CDIP comments on activities being implemented in light of the adopted proposals with changes as necessary.’

101. The Delegation of Mexico commented on a clarification it had made, which was considered very relevant, regarding “agreed recommendations”.

102. The Chair pointed out that the proposal was accepted and went on to say that the caption would also be changed. The word “proposals” would be replaced with “adopted recommendations”.

103. The Delegation of Brazil stated that the suggestions on the 19 proposals should somehow capture not only what the Delegation had said but also the possibility of the Committee making some proposals for future action, which may not just be a comment on ongoing activities but also a proposal for an activity that was not currently on the matrix provided by the Secretariat. The Delegation requested the idea to be added to the sentence, if Members agreed to that. On being requested by the Chair, the Delegation suggested: “with changes or its own proposals as necessary” or “as agreed”. The Delegation stated that it would be better to avoid getting into the discussion as to whether the new proposal for activities may or may not have human resources and financial implications. The general idea was to just give the Committee the space to make its own proposals in addition to ongoing activities or commenting on them.

104. The Delegation of Chile pointed out that the mandate of the General Assembly of 2008 was that there had to be a work plan for 45 recommendations and expressed the idea that there was a misunderstanding, because it was understood that the work plan should just be for the 26 recommendations. But it did not mean that as regards the 19 recommendations for immediate implementation, there should not be a work program. The Delegation pointed out that all the 45 recommendations should have a work plan.

105. The Chair then proceeded to explain the methodology for the substantive discussions of the adopted recommendations. To initiate the discussions, the Secretariat would introduce each adopted recommendation, highlighting the main points in the list of activities included in the working document. Subsequently, Member States, who had made written suggestions to the Chair of the PCDA, would be given the opportunity to intervene to elaborate on their submissions, after which there would be a general discussion on each adopted recommendation. The Member States may: (a) provide focused comments on the list of activities; (b) suggest modifications, where necessary; (c) consider new activities; and (d) identify points, where necessary, to seek further information from the Secretariat. The Secretariat would then provide responses to any questions or requests for clarification made by Member States. The Chair would summarize the discussions on each recommendation. For the list of 19 recommendations for immediate implementation, the CDIP would request the Secretariat to furnish a progress report, in line with any suggested changes and/or new activities, for the July session of the Committee. For the list of 26 recommendations, the CDIP would broadly agree that the proposed activities, as suitably modified following the discussions, would be forwarded to the Secretariat to assess the human and financial resource requirements, before the July session. Further, the interventions made by Member States, while considering Agenda Item 5 (“Consideration of Work Program for Implementation of Adopted Proposals”) and later, Agenda Item 6 (“Future Work”), would not be included in the report, unless otherwise requested by them while making the intervention. The reports for the two agenda items would be brief, merely reflecting the outcome of the discussions.

106. The Chair then suggested that they start their substantive deliberations on the consideration of the work program for the adopted recommendations. As agreed, the meeting would commence with the first adopted recommendation of Cluster A, in the list of 26 adopted recommendations.

107. The Chair requested the Secretariat to introduce each one of them individually, after which the recommendations were discussed by the Member States, and wherever necessary, detailed clarifications were provided by the Secretariat. The outcomes for the six

recommendations (all from Cluster A five in the list of 26 and one in the list of 19) discussed by the meeting are as follows:

Cluster A: Recommendation 2

The delegations made their comments on the proposed activities for implementation of adopted recommendation 2/26. It was agreed that the Secretariat would prepare a draft paper as proposed in document CDIP/1/3. In addition to providing more details on the issues mentioned in that document, the paper would also address other concerns raised by Member States, including guiding principles recognized in the development agenda; rationale, scope and format of a proposed donor conference involving prospective beneficiaries; possible monitoring mechanisms, bearing in mind that nothing should be done to deter donor funding. It was also decided that, as and when the donor conference is organized, the Secretariat would apprise the participants about the relevant recommendations of the development agenda. The Secretariat would present the paper in the July session of the CDIP, with detailed requirements of human and financial resources.

Cluster A: Recommendation 5

The delegations made their comments on the proposed activities for implementation of adopted recommendation 5/26, and agreed that the Secretariat would design and develop a consolidated database with all technical assistance activities, as stated in document CDIP/1/3. The project will be guided by the principle of transparency and the information will be readily available on the website. The new database would build on the existing information already provided by WIPO (http://www.wipo.int/export/sites/www/ip-development/en/pdf/wipo_eds_inf_1_rev.pdf) on its development cooperation activities. It was agreed that while general information would be available on the WIPO website, more detailed information on specific activities, would be made available on request of Member States, based on appropriate authorizations. Consideration shall be given to disclosing the names of donors, consultants and project costs – again with the appropriate authorizations. The guiding principles in the development agenda shall be recognized. In addition, adopted recommendation 5 would be brought to the attention of donors and recipients, who would be encouraged to authorize WIPO to provide as much information as possible on technical assistance activities. The Secretariat would present the human and financial resource requirements for initiating and managing this project in the July session of the CDIP.

Cluster A: Recommendation 8

The delegations made their comments¹ on the proposed activities for implementation of adopted recommendation 8/26, and agreed that the Secretariat would prepare a draft paper as proposed in document CDIP/1/3. In addition to providing more details on the

¹ Comments from the delegations of Colombia and Benin, who wished to have them included in the report, appear in Annex I.

issues mentioned in that document, the paper would also address other concerns raised by Member States, including the possibility of developing model contracts, making the WIPO databases available through a popular Internet portal, organizing a forum with database owners, enhancing PATENTSCOPE® to include further information on PCT applications in the national phase and also assess the human and financial resource requirements of different options for access to public and private specialized patent databases by IP offices taking care to avoid copyright infringements. The guiding principles in the development agenda shall be recognized. The Secretariat would present the terms of reference for the paper in the July session of the CDIP and keep the committee informed on subsequent developments.

Cluster A: Recommendation 9

The delegations made their comments on the proposed activities for implementation of adopted recommendation 9/26 and agreed to the text provided by the Secretariat in document CDIP/1/3, which would also provide for the possibility of establishing a system to monitor and assess progress. The Secretariat would present the human and financial resource requirements for implementation of the adopted recommendation in the July session of the CDIP.

Cluster A: Recommendation 10

The delegations made their comments on the proposed activities for implementation of adopted recommendation 10/26 and agreed that the text included in document CDIP/1/3 would be amended by the Secretariat taking into account the comments made by Member States. Particular attention will be paid to the inclusion of activities that promote the fair balance between IP protection and the public interest, improving the quality of patent examination and facilitating accessibility to IP. In addition, it was agreed that the Secretariat would prepare an information note in the form of a “menu of options” showing what WIPO does or can do to promote fair balance. Options will include a listing of the types of technical assistance activities that could be implemented by the Secretariat at the request of individual Member States relating to recommendation 10/26. These options will be focused on strengthening national institutions without really excluding other relevant institutions. The options will address the scope of the adopted recommendation while recognizing the relevance of human resource development and the principles accepted in the development agenda.

The Secretariat would present the amended text as well as human and financial resource requirements for implementation of the adopted recommendation in the July session of the CDIP.

Cluster A: Recommendation 1

Apart from comments² on the welcomed report on activities planned or already being implemented, Members offered additional ideas for activities or actions aimed at giving effect to adopted recommendation 1/19, recognizing especially the greater need for

² Comments from the Delegation of Brazil, who wished to have it included in the report, appear in Annex I.

transparency. Of major concern was the question of how these issues can be integrated into WIPO's activities and general principles. It was, therefore, agreed that the Secretariat would make suggestions on the most appropriate documents in which the principles stated under this adopted recommendation can be incorporated as a reference for staff and consultants. In addition, the Secretariat would make modifications to document CDIP/1/3 to reflect the comments made by the Member States.

108. The Delegation of Brazil informed the members of the passing away of Mr. Otávio Carlos Monteiro Afonso Dos Santos who was known to many colleagues in WIPO, especially to those who dealt with copyright issues. Mr. Otávio Carlos Monteiro Afonso Dos Santos had been the Head of the Brazilian National Copyright Office for some 20 years. He was an enthusiastic supporter of the development agenda and had played a crucial role in making the process a reality during the initial phase of discussions that led to the launching of the development agenda in the 2004 WIPO General Assembly. Mr. Otávio Carlos Monteiro Afonso Dos Santos had always believed in the need for balance between IP rights, as a means of protecting the creators of artistic and literary works on the one hand, and the needs of society at large on the other for access to culture and education.

109. The Chair extended condolences, on behalf of the members of the CDIP, to the family of Mr. Otávio Carlos Monteiro Afonso Dos Santos and to the Delegation of Brazil.

Agenda Item 6: Future work

110. Initiating the discussions on the future work, the Chair raised the question of whether there should be informal sessions between March and July. He stated that while some Member States had indicated the need to keep the ball rolling, others were not in favor of such informal sessions.

111. After discussions³, it was decided that there was a need to continue consideration of the work program for implementation of the adopted recommendations. In order to facilitate this task, it was decided that the Chair would organize informal consultations between the first and second sessions. The consultations would cover the adopted recommendations, with particular attention being paid to those recommendations with additional financial and human resource requirements to enable the Secretariat to make the necessary assessments. He added that final decisions would however be made only in the formal session in July. The Chair requested that similar to the discussions of the PCDA, the regional coordinators should keep their member countries as well as their capitals, informed of all discussions and decisions of the informal sessions. He requested the Secretariat to have the documents for the July session available at least two weeks before the meeting, in the official languages.

112. On a procedural matter relating to the election of Officers, the Chair said that an agreement had been reached that with the withdrawal of Tunisia, the office of the two Vice-Chairs would be held by Kyrgyzstan and Spain. It was also agreed with the coordinators that Kyrgyzstan would not stand for re-election next year, and Tunisia would be one of the two Vice-Chairs next year. The Chair added that the Chair and the Vice-Chairs were elected for one year but were eligible for re-election for two consecutive years. As Kyrgyzstan would

³ Comments from the delegations of Switzerland, United States of America and Algeria, who wished to have them included in the Report, appear in Annex I.

not seek re-election, Tunisia had the opportunity to seek election and be successful based on the agreement reached with the coordinators.

Agenda Item 7: Summary by the Chair

113. The Chair presented the Draft Summary by the Chair and as no comments were made, it was adopted (reproduced in paragraph no.115).

Agenda Item 8: Closing of the session

114. The Chair concluded the First Session of the CDIP and said they would meet again for the Second Session on July 7, 2008.

115. The following Summary by the Chair was agreed by the Meeting:

“1. The WIPO General Assembly, in its session held in September-October 2007, reviewed the discussions during the two sessions of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) in February and June 2007, and expressed satisfaction at the consensus reached on the proposals submitted by Member States on the establishment of a development agenda for WIPO. The General Assembly decided to adopt the recommendations for action on the 45 agreed proposals, and to immediately implement the 19 proposals identified by the Chair of the PCDA, in consultation with Member States and the Secretariat. The General Assembly also decided to establish a Committee on Development and Intellectual Property (CDIP) to:

- (a) develop a work-program for implementation of the adopted recommendations;
- (b) monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies; and
- (c) discuss intellectual property and development related issues as agreed by the Committee, as well as those decided by the General Assembly.

“2. For the first meeting of the Committee, it was agreed that the Chair of the PCDA would prepare initial working documents, including a draft work program, in consultation with Member States and the Secretariat.

“3. The First Session of the CDIP was held from March 3 to 7, 2008. 100 Member States, 7 inter-governmental organizations and 30 non-governmental organizations participated in the session.

“4. The CDIP unanimously elected Ambassador C. Trevor Clarke, Permanent Representative of Barbados, as Chair, and Mr. Muratbek Azymbakiev, Deputy Permanent Representative of Kyrgyzstan, and Mr. Javier Alfonso Moreno Ramos, Director of the Department of Legal Coordination and International Relations of the Spanish Patents and Trademarks Office, as Vice-Chairs.

“5. The CDIP adopted the draft agenda as proposed in document CDIP/1/1 Prov.

“6. The CDIP adopted the Rules of Procedure included in document CDIP/1/2, approved the representation in sessions of the Committee of the organizations referred to in paragraph 6 of the document as *ad hoc* observers, and noted the working arrangements for the Committee.

“7. The CDIP discussed the initial working document prepared by the Chair of the PCDA, in consultation with Member States and the Secretariat, and decided to use it as a working document of the CDIP (CDIP/1/3). The CDIP also considered the documents submitted by the Central European and Baltic States, the “Group of Friends of Development” and the Republic of Korea. The delegations agreed to a methodology according to which adopted recommendations would be addressed one by one, starting with those contained in the list of 26 recommendations. After discussing all those recommendations in Cluster A, the Committee would shift its attention to Cluster A in the list of 19 recommendations for immediate implementation, prior to returning to the list of 26 recommendations to discuss Cluster B recommendations. This methodology would continue for the recommendations under the remaining clusters.

“8. The Secretariat would introduce each adopted recommendation, highlighting the main points in the list of activities included in the working document. Subsequently, Member States, who had made written suggestions to the Chair of the PCDA, would be given the opportunity to intervene to elaborate on their submissions, after which there would be a general discussion on each adopted recommendation during which Member States may: (a) provide focused comments on the list of activities; (b) suggest modifications, where necessary; (c) consider new activities; and (d) identify points, where necessary, to seek further information from the Secretariat. The Secretariat would then provide responses to any questions or requests for clarification made by Member States. The Chair of the CDIP would summarize the discussions on each recommendation. For the list of 19 recommendations for immediate implementation, the CDIP would request the Secretariat to furnish a progress report, in line with any suggested changes and/or new activities, for the July session of the Committee. For the list of 26 recommendations, the CDIP would broadly agree that the proposed activities, as suitably modified following the discussions, would be forwarded to the Secretariat to assess the human and financial resource requirements, before the July session.

“9. In accordance with the above-mentioned methodology, the delegations expressed their views on the working document. It was agreed that the interventions made by Member States, while considering Agenda Item 5 (“Consideration of Work Program for Implementation of Adopted Proposals”) and Agenda Item 6 (“Future Work”), would not be included in the report, unless otherwise requested by them while making the intervention.

“10. The CDIP discussed adopted recommendations 2, 5, 8, 9 and 10 in the list of 26 and agreed that the proposed activities, as suitably modified following discussions, would be sent to the Secretariat to assess the human and financial resource requirements, before the July 2008 session. In addition, the CDIP reviewed and commented on activities being implemented under adopted recommendation 1 in the list of 19, suggested changes and considered new activities. It was agreed that the Secretariat would make the necessary modification and furnish a progress report on the adopted recommendations in the list of 19 for the July 2008 session of the Committee.

“11. After discussions, it was decided that there was a need to continue consideration of the work program for implementation of the adopted recommendations. In order to facilitate this task, it was decided that the Chair would organize informal consultations between the first and second sessions. The consultations would cover the adopted recommendations, with particular attention being paid to those recommendations with additional financial and human resource requirements to enable the Secretariat to make the necessary assessments.

“12. The CDIP noted that the Draft Report of the First Session will be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and will also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in writing to the Secretariat within three weeks of its issue. The revised Draft Report would then be considered for adoption at the beginning of the Second Session of the CDIP.”

[Annexes follow]

ANNEX I

Interventions by delegations during discussions on Agenda Items 5 and 6

AGENDA ITEM 5

Discussion on Cluster A: Recommendation 8

Intervention by the Delegation of Colombia

The Delegation of Colombia stated its concern with respect to recommendation No. 8 related to access to specialized databases. The Delegation noted that the initial working document presented by the Chair established two types of activities that did not respond to the content of the proposal. The proposal had the objective of facilitating access by the national offices to specialized databases to undertake patent searches. The Delegation explained that there were two important elements in that proposal, namely, facilitating access for national patent offices, and, secondly, references to specialized databases. The first activity suggested in the initial working document mentioned databases that were not specialized, in that they did not make it possible to make searches, for example, by chemical name according to the IUPAC nomenclature, rather those databases that were originally suggested in the proposal by Colombia, which were: Derwent World Patent Information, STN International, Questel-Orbit and Thompson-Delphion. The second group of activities involved other agents, such as academic institutions and SMEs, among others, which was not in line with the proposal where it was stated that the direct and only beneficiaries would be the national offices, because it had been conceived to facilitate prior art searches during patent examination with the objective of having stronger patents. The Delegation requested that the statement be included in the report.

Intervention by the Delegation of Benin

The Delegation of Benin thanked the Secretariat for the clarity in drafting the recommendations, and fully associated itself with the statement made on behalf of the African Group. It noted that the recommendation highlighted the access to specialized databases for the purposes of patent searches. In its view, the part of the sentence relating to patent searches was restrictive in the implementation of that recommendation. In fact, the Delegation wondered why having discussed about IP, it was necessary to stress only on patents. It believed that a database was not one, if it had no information. Similarly, it indicated that there was no database without any content. To give full sense to the recommendation, the database should take into account not only patents, but also trademarks and copyright. It indicated that the aspect of IP such as copyright and associated rights had been totally hidden by the item. The drafting of the recommendation was exclusively related to industrial property leaving out literary and artistic property in all its senses.

The Delegation referred to the statement made by a library association, relating to the other aspects of IP. It expressed the need to take into consideration literary and artistic property and requested the Chair to include the statement in the report.

Discussion on Cluster A: Recommendation 1

Intervention by the Delegation of Brazil

Referring to information provided by the Secretariat on TRIPS flexibilities, the Delegation of Brazil said that it did not agree to it and wanted to place that on record. It added that it was its understanding that flexibilities were exceptions and limitations to the treaties. It meant adopting standards, that were only minimum standards and which provided for the flexibility of policy space nationally in countries. The Delegation added that TRIPS plus provisions were not flexibilities in its understanding, and so it did not understand as to why it had been stated in that manner. The issue should at least be the subject of a debate.

AGENDA ITEM 6

Intervention by the Delegation of Switzerland

The Delegation of Switzerland said that they had all been working intensively and constructively in the past days in order to fulfill the mandate given to the committee by the General Assembly. However, as the Delegation of Mexico had stated, progress was rather slow, as the meeting had only discussed a small part of the 45 recommendations and was far from finalizing a draft work plan. It therefore wanted to suggest the structure of a work plan. It said that a work plan would have to be general in nature as it was not the task of the committee to prepare a detailed project management for WIPO, and to look into each and every single project that WIPO was carrying out in the field of technical assistance. The task of the committee was to oversee the specific programs of WIPO that was going to implement the recommendations, so it was required to move away from projects to programs. And if so, the committee would have less text to consider. The text had a lot of information but then it took time to digest all that information. However, along with that, if they had the budget for each of the programs, time lines, responsibilities and measures of success, they could take informed decisions in July and then submit comprehensive recommendations to the General Assembly. On the documentation, the Delegation said that it was received just before the meeting and that was also one reason why it was difficult to make fast progress that week. For that reason, it had to reserve its right to come back on the issues discussed that week in the next session as well. Concerning the inter-sessional process, the Delegation said that it was one of those which had expressed caution but was ready to follow the wise guidance of the Chair and if he was convinced that progress would be made in such discussions, it would go along with that. However, it would suggest that the informal meetings should focus on procedural issues and not on substantive ones, because if representatives from capitals are not present it would be difficult to take informed decisions on specific IP issues. Further, in order to make them a success, notice for the meetings should be given a month in advance in order to enable the participants to prepare themselves. The Delegation felt that they had not made much progress that week but as it was the

first meeting, it was optimistic that they would reach substantive results in the July meeting. It requested that the statement be added to the report.

Intervention by the Delegation of the United States of America

The Delegation of the United States of America requested that the statement to be made by it be included in the report. It said that the United States would be pleased to participate in the informal, open ended consultations, as proposed by the Chair, during the period March to July in Geneva, with a view toward advancing the work of the CDIP. It believed that such an informal, open ended consultation process may serve the worth while purpose of identifying potential problems and offering proposed solutions on the financial, legal and administrative issues and facilitate discussions at the next session of the CDIP. Of these considerations, it understood that special attention would be paid on identifying implementation activities that may require additional human and financial resources. It wished to fully associate itself with the views of many other delegations that without current, accurate and complete financial data, matched to a particular implementing activity, it would be impossible to take informed decisions under the clear mandate of the 2007 General Assembly. The Delegation further understood that no formal decisions would be taken during the informal consultation period. It gave very serious consideration to the Chair's proposal for conducting informal consultations before the next session of the CDIP, carefully weighing the need to advance the work of the committee, while at the same time committing the full engagement of all Member States, including capital based representatives, consistent with open ended consultations, it understood that the record would remain open to allow for comments from outside of Geneva. The Delegation concluded that the informal open ended consultations, suggested by the Chair, subject to limitation discussed above, was a fair and reasonable way to advance the work of the committee, allowing Member States to focus their limited time at the next session of the committee on in-depth discussion of the activities, proposed to implement the 45 recommendations under consideration by the committee.

Intervention by the Delegation of Algeria

The Delegation of Algeria said that it had listened very carefully to the Chair's summary and thought that he had really tried to reflect the various positions that had been taken and also tried to guide and focus their attention on important items. It said that though they may have sometimes sounded a bit pessimistic or when they looked at the rather meager results achieved that week, they had not sounded terribly positive, nonetheless, as the Delegation of Canada had said, they did come here under very difficult circumstances to take very difficult decisions, they were able to reach an agreement on a working method which did allow them to move forward. They were able to reach agreement on the format for the meeting and it was a rather exceptional format. In other words, they had a meeting, within a formal structure, although they accepted that what was said at that meeting would not be reported, in other words, they would have an informal format within a formal structure, and that allowed all delegations to express themselves freely and constructively. It believed that that allowed them to make some progress, so they must not be too gloomy when they looked at what was achieved. It noted that what the Chair was suggesting was that they carry on going down the same path working in that very positive and

constructive spirit, the spirit that had been shown by all delegations and groups gathered there, and that they should do that in order to allow the process to continue to make headway. They all agreed that the purpose of the informal consultations, that were being envisaged, was to allow the process to move forward to make headway and that was a positive and pragmatic attitude. The Delegation thought that they were focusing on certain issues relating to form and substance, and said that what would be preferable, useful and constructive, would be to keep the same format, to keep the same impetus that was created there, while always bearing in mind one key point and that was something referred to by the Chair in the course of his introductory remarks. They must ensure that they make it possible for the Secretariat to produce useful work and that meant they had to give them appropriate guidance about how they should do the cost evaluation. If they really wanted to be successful in reaching that goal, it did not think it worthwhile to continue focusing on form. The Delegation said that they could be pragmatic in the way they worked. They were going to have a series of informal consultations with the idea of making progress and it thought that that was a pragmatic approach. However, it did not think that they needed to start off by saying they were only going to look at form and not substance. That in fact, was a completely distorted debate that was not what they were supposed to be doing, and it was getting them away from their main objective which was to make progress and to take the process forward. The Delegation said that the Chair had said that they were talking about informal consultations, and clearly results can only be endorsed and approved in a formal context. They should bear in mind the fact that when they negotiated the development agenda, more than 80% of the negotiations took place in an informal context, and all that they did in the formal context was to announce the results of the informal negotiations. And yet, that did not stop them from agreeing on recommendations in a formal context and that did not prevent them from making progress. The Delegation wanted to remind all the delegations about that and added that they should keep the positive spirit and continue to move forward, following a very constructive approach. The Delegation said that it was reflecting views of the African Group and requested that they be reflected in the report.

[Annex II follows]

ANNEX II

I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)/
(*in the alphabetical order of the names in French of the States*)

AFRIQUE DU SUD/SOUTH AFRICA

Glaudine J. MTSHALI (Mrs.), Ambassador, Permanent Representative, Permanent Mission, Geneva

Lucy MAHLANGU (Ms.), Director, International Relations, Department of Arts and Culture (DAC), Pretoria

Glenn MASOKOANE, Director, Multi-Disciplinary, Department of Arts and Culture (DAC), Pretoria

Johan VAN WYK, Counsellor, Permanent Mission, Geneva

Simon QOBO, First Secretary, Permanent Mission, Geneva

Susanna CHUNG (Ms.), Second Secretary, Permanent Mission, Geneva

Mpho SEBATANA (Miss.), Assistant Director, Economic Relations and Trade, Department of Foreign Affairs, Pretoria

ALBANIE/ALBANIA

Miranda PISTOLI (Miss), Second Secretary, Permanent Mission, Geneva

ALGÉRIE/ALGERIA

Idriss JAZAÏRY, ambassadeur, représentant permanent, Mission permanente, Genève

Boumédiene MAHI, premier secrétaire, Mission permanente, Genève

ALLEMAGNE/GERMANY

Li-Feng SCHROCK, Senior Ministerial Counsellor, Federal Ministry of Justice,
Berlin

Udo FENCHEL, Counsellor, Permanent Mission, Geneva

ANGOLA

Angélica MARQUES DA COSTA (Mme), troisième secrétaire, Mission permanente,
Genève

ARABIE SAOUDITE/SAUDI ARABIA

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Committee, Ministry of Commerce and Industry, Riyadh

Khalide A. ALAKEEL, General Directorate of Industrial Property, King Abdulaziz
City for Science and Technology, Riyadh

Sami Ali AL-SODAIS, Patent Specialist, General Directorate of Industrial Property,
King Abdulaziz City for Science and Technology, Riyadh

ARGENTINE/ARGENTINA

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Ginebra

Ernesto MARTÍNEZ GONDRA, Ministro, Representante Permanente Alterno,
Misión Permanente, Ginebra

Inés Gabriela FASTAME (Srta.), Primer Secretario, Misión Permanente, Ginebra

AUSTRALIE/AUSTRALIA

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Woden ACT

Edwina LEWIS (Ms.), Assistant Director, International Policy Section, IP Australia,
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Tegan BRINK (Ms.), Second Secretary, Permanent Mission, Geneva

AUTRICHE/AUSTRIA

Johannes WERNER, Deputy Head, Department of International Relations, Austrian Patent Office, Vienna

BANGLADESH

Muhammed Enayet MOWLA, Counsellor, Permanent Mission, Geneva

BARBADE/BARBADOS

C. Trevor CLARKE, Ambassador, Permanent Representative, Permanent Mission, Geneva

Corlita BABB-SCHAEFER, Counsellor, Permanent Mission, Geneva

BÉLARUS/BELARUS

Zakhar NAUMOV, First Secretary, Permanent Mission, Geneva

BELGIQUE/BELGIUM

Mélanie GUERREIRO RAMALHEIRA (Mlle), attaché, Office de la propriété intellectuelle, SPF économie, P.M.E., classes moyennes et énergie, Bruxelles

BÉNIN/BENIN

Samuel AHOKPA, directeur, Bureau béninois du droit d'auteur, Cotonou

BHOUTAN/BHUTAN

Sonam WANGCHUK, Counsellor, Permanent Mission, Geneva

BOTSWANA

Mabedi Tebogo MOTLHABANI (Mrs.), First Secretary, Permanent Mission, Geneva

BRÉSIL/BRAZIL

Jorge AVILA, President, Industrial Property Institute (INPI), Rio de Janeiro

Cliffor GUIMARÁES, Senior Advisor, Copyright Office, Ministry of Culture, Rio de Janeiro

Guilherme PATRIOTA, Minister Counsellor, Permanent Mission, Geneva

Luis Carlos WANDERLEY LIMA, Coordinator for Intellectual Property, National Agency of Health Surveillance (ANVISA), Ministry of Health, Rio de Janeiro

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Petko DRAGANOV, Ambassador, Permanent Representative, Permanent Mission, Geneva

Dessislava PARUSHEVA (Mrs.), Second Secretary, Permanent Mission, Geneva

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CROATIE/CROATIA

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CUBA

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NIGÉRIA/NIGERIA

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NORVÈGE/NORWAY

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PAYS-BAS/NETHERLANDS

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PORTUGAL

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RÉPUBLIQUE ARABE SYRIENNE/SYRIAN ARAB REPUBLIC

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RÉPUBLIQUE DOMINICAINE/DOMINICAN REPUBLIC

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Carlos SEGURA, Ministro Consejero, Misión Permanente, Ginebra

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

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ROUMANIE/ROMANIA

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Raluca TIGÁU (Ms.), Second Secretary, Ministry of Foreign Affairs, Bucharest

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SAINT-SIÈGE/HOLY SEE

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SERBIE/SERBIA

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SINGAPOUR/SINGAPORE

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SOUDAN/SUDAN

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SUÈDE/SWEDEN

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SUISSE/SWITZERLAND

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THAÏLANDE/THAILAND

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TRINITÉ-ET-TOBAGO/TRINIDAD AND TOBAGO

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TUNISIE/TUNISIA

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VENEZUELA

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YÉMEN/YEMEN

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II. ORGANISATIONS INTERNATIONALES
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ORGANISATION DES NATIONS UNIES (ONU)/UNITED NATIONS (UN)

Shervin MAJLESSI, Human Rights Officer, Office of the High Commissioner for Human Rights (OHCHR), Geneva

Christoph SPENNEMANN, Legal Expert, Technology Transfer and Intellectual Property, United Nations Conference on Trade and Development (UNCTAD), Geneva

Christine HOHL (Ms.), United Nations Conference on Trade and Development (UNCTAD), Geneva

COMMISSION EUROPÉENNE (CE)/EUROPEAN COMMISSION (EC)

Sergio BALIBREA, Counsellor, Permanent Delegation, Geneva

Jean-Philippe MULLER, Seconded National Expert, Industrial Property, Brussels

ORGANISATION EURASIENNE DES BREVETS (OEAB)/EURASIAN PATENT ORGANIZATION (EAPO)

Hhabibullo FAYAZOV, Vice President, Moscow

OFFICE EUROPÉEN DES BREVETS (OEB)/EUROPEAN PATENT OFFICE (EPO)

Konstantinos KARACHALIOS, External Relations, Munich

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION (WTO)

Jayashree WATAL (Mme), conseillère, Division de la propriété intellectuelle, Geneva

XIAOPING Wu (Mme), conseillère, Division de la propriété intellectuelle, Geneva

SOUTH CENTRE

Ermias T. BIADGLENG, Program Officer, Geneva

Viviana MUÑOZ TÉLLEZ (Ms.), Program Officer, Geneva

Patrick Juvet LOWE G, Intern, Geneva

Yogesh Anand PAI, Intern, Geneva

UNION AFRICAINE (UA)/AFRICAN UNION (AU)

Georges-Rémi NAMEKONG, conseiller, Délégation permanente, Genève

III. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

3-D > Trade - Human Rights - Equitable Economy (3D)

Alexandre DUFRESNE (Programme Coordinator, Geneva); Caroline DOMMEN (Mrs.) (Director, Geneva); Zoé GOODMANN (Mrs.) (Assistant Programme Officer, Geneva)

Association européenne des étudiants en droit (ELSA international)/European Law Students's Association (ELSA International)

Esra ERSOY (Miss) (Representative, Brussels); Olga SOKOLNIKOVA (Ms.) (Representative, Russian Federation)

Association internationale pour la promotion de l'enseignement et de la recherche en propriété intellectuelle (ATRIP)/International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)

François CURCHOD (représentant permanent auprès de l'OMPI, Genolier)

Association internationale pour la protection de la propriété intellectuelle (AIPPI)/International Association for the Protection of Intellectual Property (AIPPI)

Konrad BECKER (Chairman Q166, Basel)

Association latino-américaine des industries pharmaceutiques (ALIFAR)/Latin American Association of Pharmaceutical Industries (ALIFAR)

Mirta LEVIS (Sra.), Directora Ejecutiva, Buenos Aires

Association littéraire et artistique internationale (ALAI)/International Literary and Artistic Association (ALAI)

Victor NABHAN (président, Ferney-Voltaire)

Business Software Alliance (BSA)

Benoît MÜLLER (Director, Software Policy Europe, Brussels)

Centre d'études internationales de la propriété industrielle (CEIPI)/Centre for International Industrial Property Studies (CEIPI)

François CURCHOD (représentant permanent auprès de l'OMPI, Genolier)

Centre international de commerce et de développement durable (ICTSD)/International Center for Trade and Sustainable Development (ICTSD)

Ahmed ABDEL LATIF (Programme Manager, IPRs)

Centre pour le droit international de l'environnement (CIEL)/Centre for International Environment Law (CIEL)

Dalindyebo SHABALALA (Director, Project on Intellectual Property and Sustainable Development, Geneva); Jeff WANHA (Director, Finance and Administration, Geneva); Johanna BORCIC (Ms.) (Manager Office, Geneva); Lise JOHNSON (Ms.) (Fellow, Geneva); Nikhil WADIKAR (Fellow, Geneva); André DU PLESIS (Fellow, Geneva)

Chambre de commerce internationale (CCI)/International Chamber of Commerce (ICC)

Ivan HJERTMAN (European Patent Attorney, IP Interface AB, Stockholm); Daphne YONG-D'HERVÉ (Mrs.) (Senior Policy Manager, Intellectual Property and Competition, International Chamber of Commerce (ICC), Paris); Jacqueline COTÉ (Mrs.), Permanent Representative, Geneva)

Comité “acteurs, interprètes” (CSAI)/Actors, Interpreting Artists Committee (CSAI)

Abel MARTIN VILLAREJO (Representative, Madrid)

Consumers International (CI)

Anne-Catherine LORRAIN (Ms.), (IP Policy Officer, London)

Electronic Frontier Foundation (EFF)

Gwen HINZE (Director, International Policy, San Francisco); Eddan KATZ (Director, International Affairs, New Haven)

Electronic Information for Libraries (eIFL)

Teresa HACKETT (Ms.) (Project Manager eIFL-IP, Rome)

Fédération ibéro-latino-américaine des artistes interprètes ou exécutants (FILAIÉ)/Ibero-Latin-American Federation of Performers (FILAIÉ)

Luis COBOS (Presidente, Madrid); José Luis SEVILLANO (Director General, Madrid);

Miguel PÉREZ SOLÍS (Asesor Jurídico, Madrid); Carlos LÓPEZ SÁNCHEZ (Asesor Jurídico, Madrid); Carlos LÓPEZ SÁNCHEZ (Asesor Jurídico, Madrid); Paloma LÓPEZ PELÁEZ (Sra.) (Asesora Jurídica, Madrid); Aurora MELLADO MASCARAQUE (Sra.) (Asesora Jurídica, Madrid)

Fédération internationale des associations de producteurs de films (FIAPF)/International Federation of Film Producers Associations (FIAPF)

Bertrand MOULLIER (Representative, Paris); Serge CATOIRE (Representative, Paris)

Fédération internationale de l'industrie phonographique (IFPI)/International Federation of the Phonographic Industry (IFPI)

Gadi ORON (Senior Legal Adviser, Global Legal Policy, London)

Fédération internationale de la vidéo (IVF)/International Video Federation (IVF)

Charlotte LUND THOMSEN (Ms.) (Director General, Brussels); Laurence DJOLAKIAN (Ms.) (Legal Advisor, Brussels)

Fédération internationale de l'industrie du médicament (FIIM)/International Federation of Pharmaceutical Manufacturers Associations (IFPMA)

Alain AUMONIER (Representative, Geneva); Madeleine ERIKSSON (Ms.) (Policy Analyst, Geneva); Eric NOEHRENBERG (Director, International Trade and Market Policy, Geneva)

International Intellectual Property Institute (IPI)
Molly TORSEN (Ms.) (Vice President, Washington, D.C.)

International Trademark Association (INTA)
Bruno MACHADO (Geneva Representative)

Knowledge Ecology International (KEI)
James LOVE (Director, Washington, D.C.); Manon RESS (Ms.) (Director, Information Society Projects, Washington, D.C.); Thiru BALASUBRAMANIAM (Geneva Representative); Michelle CHILDS (Head, European Affairs, London); Eliot PENCE (Fellow, Geneva); Sisule MUSUNGU (Fellow, Geneva)

Médecins sans frontières (MSF)
Pascale BOULET (Ms.) (Legal Advisor, Paris)

Third World Network (TWN)
Sangeeta SHASHIKANT (Ms.) (Legal Advisor, Geneva); Riaz Khalid TAYOB (Researcher, Geneva)

Union internationale des éditeurs (UIE)/International Publishers Association (IPA)
Jens BMMEL (Secretary General, Geneva)

IV. ORGANISATIONS NATIONALES NON GOUVERNEMENTALES/ NATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Association romande de propriété intellectuelle (AROPI)
Alliane HEYMANN (Mme) (présidente, Commission “Droits Internationaux de l’AROPI”, Genève)

Chamber of Commerce of the United States of America (CCUSA)
Brad HUTHER (Representative, Washington, D.C.)

Fundação Getulio Vargas (FGV)
Pedro PARANAGUÁ (Líder de Projeto, Rio de Janeiro)

Intellectual Property Left (IPLeft)
Heeseob NAM (Chairperson, Munich)

Library Copyright Alliance (LCA)
Janice T. PILCH (Ms.) (Representative, Urbana)

V. BUREAU/OFFICERS

Président/Chair: C. Trevor CLARKE (Barbade/Barbados)

Vice-Présidents/Vice Chairs: Muratbek AZYMBAKIEV (Kirghizistan/Kyrgyzstan)

Javier Alfonso MORENO RAMOS (Espagne/Spain)

VII. SECRETARIAT DE L'ORGANISATION MONDIALE DE LA
PROPRIÉTÉ INTELLECTUELLE (OMPI)/
SECRETARIAT OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)

Sherif SAADALLAH, directeur exécutif, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Executive Director, Office of Strategic Use of Intellectual Property for Development

Yo TAKAGI, directeur exécutif, Bureau de la planification stratégique et du développement des politiques et de l'Académie mondiale de l'OMPI/Executive Director, Office of Strategic Planning and Policy Development, and the WIPO Worldwide Academy

Edward KWAKWA, conseiller juridique/Legal Counsel

Herman NTCHATCHO, directeur principal, Bureau de l'assistance technique et du renforcement des capacités pour l'Afrique/Senior Director, Technical Assistance and Capacity Building Bureau for Africa

Juan Antonio TOLEDO BARRAZA, directeur du Département de la gestion des ressources humaines/Director, Human Resources Management Department

Guriqbal Singh JAIYA, directeur, Division des petites et moyennes entreprises (PME)/Director, Small and Medium-Sized Enterprises (SMEs)

Inayet SYED, directeur, Division des services d'appui aux offices de propriété intellectuelle/Director, Division for Intellectual Property Office Support Services

Pushpendra RAI, directeur par intérim, Division de la propriété intellectuelle et du développement économique, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Acting Director, Intellectual Property and Economic Development Division, Office of Strategic Use of Intellectual Property for Development

Dimiter GANTCHEV, directeur par intérim, Division des industries de la création, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Acting Director, Creative Industries Division, Office of Strategic Use of Intellectual Property for Development

Nuno PIRES DE CARVALHO, directeur par intérim, Division de la politique générale et du développement, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Acting Director, Division for Public Policy and Development, Office of Strategic Use of Intellectual Property for Development

Kiflé SHENKORU, directeur par interim, Division pour les pays les moins avancés/Acting Director, Division for Least Developed Countries

Maria Beatriz AMORIM PASCOA BORHER (Mme/Mrs.), Administratrice chargée de la division, Division de la propriété intellectuelle et des nouvelles technologies, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/
Officer-in-charge, Intellectual Property and New Technologies Division, Office of Strategic Use of Intellectual Property for Development

Christine CASTRO HUBLIN (Mme/Mrs.), chef, Section des affaires juridiques et statutaires, Bureau du Conseiller juridique/Head, Legal and Constitutional Affairs Section, Office of Legal Counsel

Andrew CZAJKOWSKI, Administrateur principal à l'information en matière de brevets, Service de l'information en matière de brevets et des statistiques de propriété industrielle/Senior Patent Information Officer, Patent Information and IP Statistics Service

Bajoe WIBOWO, administrateur de programme, Division de la propriété intellectuelle et du développement économique, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Program Officer, Intellectual Property and Economic Development Division, Office of Strategic Use of Intellectual Property for Development

Esteban BURRONE, administrateur de programme, Division de la propriété intellectuelle et du développement économique, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Program Officer, Intellectual Property and Economic Development Division, Office of Strategic Use of Intellectual Property for Development

Paul REGIS, administrateur adjoint de programme, Division de la propriété intellectuelle et du développement économique, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Assistant Program Officer, Intellectual Property and Economic Development Division, Office of Strategic Use of Intellectual Property for Development

Georges GHANDOUR, consultant, Division de la propriété intellectuelle et du développement économique, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Consultant, Intellectual Property and Economic Development Division, Office of Strategic Use of Intellectual Property for Development

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